Purchase of Land and Congested Districts (Ireland) Bill.

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TO

Provide further facilities for the Purchase of Land in Ireland; for the Improvement of the Condition of the Poorer and more Congested Districts; and for the constitution of a Land Department. A.D. 1890.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

Part I. Sale and Purchase of Holdings.

Sale and Purchase of Holdings.

Agreements for Sale and Advances.

Sale of holding for amount agreed on by parties, or for amount to be fixed by reference to Land Department.

1. If the landlord and the tenant of a holding in Ireland make an agreement for the sale of the holding to the tenant and either—

(*a*) the purchase money is agreed on by them, and specified in the agreement; or

(*b*) the agreement refers it to the Land Department (herein-after mentioned) to fix the price of the interest which the tenant agrees to buy in the holding;

and such agreement provides for an application to the Land Department to carry the sale into effect under this Act, and to make an advance to the amount specified in the agreement, in or as a contribution to the payment of the purchase money, the Land Department, subject to the provisions of this Act, may make an order (in this Act referred to as a vesting order) for carrying the sale into effect, and may if the price of the interest which the tenant agrees to buy in the holding is referred to them, fix such price, and may in manner provided by this Act make the said advance.

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(2.) If such agreement refers the price of the interest which the tenant agrees to buy in the holding to the Land Department, and further provides that a sum not exceeding the amount of two years' rent of the holding shall be added to such price in satisfaction of arrears of rent due to the landlord in respect of the holding, the Land Department may, if they think fit, add to the said price the sum so agreed on, and such price with the sum so added shall form the purchase money.

Duties of Land Department as respects agreement for sale, and amount of advance.

2.—(1.) Where any such agreement as above-mentioned is lodged with the Land Department, that Department, before making a vesting order, shall be satisfied—

(*a*) that the agreement is in the prescribed form and contains the prescribed particulars; and

(*b*) that it is bonâ fide and without collusion; and

(*c*) that the parties to the agreement are primâ facie the landlord and tenant within the meaning of this Act.

(2.) An advance under this Act may be made of the whole of the purchase money or of any less amount specified in the agreement: Provided that the advance does not exceed any of the following amounts; (that is to say,)

(*a*) the sum for the repayment of which the holding will in the opinion of the Land Department be an adequate security;

(*b*) *twenty years* purchase of the net annual value (as in this Act defined) of the interest which the tenant agrees to buy in the holding; or

(*c*) *three thousand pounds*, or where the Land Department are of opinion that the advance of a larger amount is expedient for the purpose of carrying out sales on the same estate, *five thousand pounds*.

(3.) Any excess of the purchase money above any of the above amounts may be provided in such manner as the landlord and the tenant, with the approval of the Land Department, agree.

Securing of advance by purchase-annuity.

3.—(1.) The amount of every advance under this Act towards the purchase money of a holding shall be repaid by an annuity (in this Act referred to as the purchase-annuity) which shall be charged on the holding in favour of the Land Department for a term of *forty-nine years*, and be payable by equal half-yearly payments, on the first days of *May* and *November*, and (subject as herein-after mentioned) be calculated at the rate of *four* per cent per annum on the advance; and in this Act the said term is referred to as

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the normal term and the annuity calculated at the said rate is referred to as the normal annuity.

(2.) Provided that—

(*a*) the annuity during the first *five years* of the term shall be equal to *eighty* per cent of the net annual value (as in this Act defined) of the interest which the tenant agrees to buy in the holding; and

(*b*) if the annuity during the said first five years exceeds the normal annuity, then it shall, on the application of the proprietor for the time being of the holding, be reduced by the Land Department, so that it shall from the time of reduction until the expiration of *thirty years* from the commencement of the annuity be the normal annuity, and afterwards shall on the like application be such reduced annuity as (in accordance with tables made by the Treasury) will after allowing for any excess above the normal annuity previously paid (which excess is in this Act referred to as the purchaser's insurance money) replace the advance at the end of the normal term; and

(*c*) until any such application is made the annuity shall remain of the same amount, but shall continue for such less period than the normal term as may be provided by tables made by the Treasury.

(3.) Where any purchaser's insurance money has been paid in respect of a holding, and subsequently the whole or any part of an instalment of the purchase-annuity charged on the holding is in arrear, the Land Department, if satisfied that the non-payment of such arrear by the proprietor of the holding arose from some cause other than the proprietor's own conduct, act, or wilful default, and that there is reasonable ground for so doing, may set off against the whole or part of the arrear the tenant's insurance money, or any part thereof, but any amount so set off shall be added to such subsequent instalments of the annuity and in such manner as the Land Department direct, and be recovered as part of those instalments, so, however, that such addition shall not make the annuity exceed *eighty* per cent. of the net annual value of the interest which the tenant agrees to buy in the holding.

(4.) A purchase-annuity may at any time be redeemed by payment to the Land Department of such capital sum as according to tables made by the Treasury will replace that portion of the advance which has not at that time been repaid after crediting any pur-

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chaser's insurance money, and a part of a purchase annuity may be redeemed in like manner.

Guaranteed Land Stock.

Advance to be by means of guaranteed land stock.

4.—(1.) The Land Department shall make an advance under this Act for the purchase of a holding by issuing out of the stock placed at their disposal in pursuance of this Act (in this Act referred to as guaranteed land stock), an amount of stock equal in nominal amount to such advance.

(2.) *One-fifth* part of the stock so issued shall, except as herein-after provided by this Act, form the guarantee deposit in respect of the holding purchased, and be retained by the Land Department and carried to a separate account for that holding.

(3.) The remainder of the stock shall be issued to the prescribed account (in this Act referred to as the sale account), and be subject to the provisions of this Act with respect to the distribution of the purchase money.

(4.) The issue of the said amount of stock in manner aforesaid shall be a payment of the amount of the advance and a discharge of the purchase money, or of that part thereof which is advanced under this Act, and shall form the whole or part, as the case may be, of the purchase money, and the amount retained as the guarantee deposit shall, subject to the guarantee liability in this Act provided, be held for the benefit of the persons entitled thereto.

Character of and security for guaranteed land stock.

5.—(1.) The guaranteed land stock shall be a capital stock consisting of annuities yielding dividends at the rate of *two pounds fifteen shillings* per cent per annum on the nominal amount of the capital, which shall be payable by equal half-yearly dividends on the first days of *June* and *December* in every year, out of the Land Purchase Account herein-after mentioned.

(2.) For the purpose of paying off the whole of the guaranteed land stock at or before the expiration of the time at which the purchase-annuities will cease, a sinking fund shall be established by means of the payments herein-after mentioned out of the Land Purchase Account.

(3.) If the Land Purchase Account is insufficient to pay the said dividends and sinking fund payments, those dividends and payments shall, to the extent of the deficiency, be paid out of the Guarantee Fund herein-after mentioned, *and if necessary shall be temporarily advanced out of the Consolidated Fund of the United Kingdom, and accordingly shall be charged on and issued*

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out of that Fund or the growing produce thereof, and any sum so advanced shall be repaid to the Consolidated Fund from the Land Purchase Account in manner provided by this Act.

(4.) The guaranteed land stock shall not be redeemable until after *thirty years* from the commencement of this Act, but subsequently may be redeemed at any time, after the notice and in the manner provided by this Act, at the rate of *one hundred pounds* sterling for every hundred pounds of the capital sums in respect of which the annuities are payable, together with the payment of all arrears of such annuities, including the portions which have accrued since the last date of the payment of dividends.

Land Purchase Account.

Establishment and application of Land Purchase Account.

6.—(1.) The Land Department shall open a separate account (in this Act referred to as the Land Purchase Account), and shall carry to that account all money received in respect of any purchase-annuity (whether arising from the current half-yearly instalments, or in respect of the arrears, or in respect of the redemption, of the annuity, or otherwise).

(2.) All sums so carried to the account from the current half-yearly instalments of the purchase-annuity shall be applied in the order following:—

(*a.*) in paying the dividends on the guaranteed land stock; and

(*b.*) in paying to the sinking fund for the stock by half-yearly payments an annual sum at the rate of *one pound* for every hundred pounds of the advance; and

(*c.*) in paying to the Guarantee Fund an annual sum (in this Act referred to as the county per-centage) at the rate of *five shillings* for every hundred pounds of the advance.

(3.) All sums carried to the account in respect of arrears of the purchase-annuity, whether paid by the proprietor of the holding or from the guarantee deposit or from the proceeds of the sale of a holding or from any other source, shall be applied first in repaying to the Consolidated Fund any advances out of that fund made as above provided in this Act to meet any deficiency, and subject to that application shall, save as in this Act mentioned, be paid to the Guarantee Fund towards the repayment of sums paid out of that fund to meet any deficiency on the Land Purchase Account.

(4.) Any sum carried to the account in respect of the redemption of the purchase-annuity, whether received from the proprietor of

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the holding, or upon the sale of the holding, shall be paid to the sinking fund of the stock.

(5.) Any residue shall, save as otherwise provided by or in pursuance of this Act, be paid to the sinking fund of the stock.

Guarantee and Reserve Fund.

Grant of 40,000*l.* as Exchequer contribution and transfer to votes of 5,000*l.* for horse-breeding. 51 & 52 Vict. c. 41.

7.—(1.) *In order that the like benefits may be given to Ireland as were given to England and Scotland when the duties on certain licenses (termed in the Local Government Act,* 1888, *local taxation licenses) were transferred to local authorities, there shall be in every year charged on and paid out of the Consolidated Fund of the United Kingdom the sum of forty thousand pounds (in this Act referred to as the Exchequer contribution).*

51 & 52 Vict. c. 60.

(2.) *So much of section three of the Probate Duties (Scotland and Ireland) Act,* 1888, *as directs the sum of five thousand pounds to be paid out of the Irish probate duty grant to the Royal Dublin Society for the improvement of the breed of horses and cattle is hereby repealed as from the end of the present financial year, and that sum shall be paid for that purpose out of moneys provided by Parliament.*

Establishment of Guarantee Fund.

8.—(1.) For the purposes of this Act there shall be established a Guarantee Fund under the direction of the Treasury, consisting of two portions (in this Act referred to respectively as the cash portion and the contingent portion of the Fund).

(2.) There shall be paid in every financial year to the Guarantee Fund—

(*a*) in respect of the cash portion of the Fund—

(i.) the Exchequer contribution of *forty thousand pounds;* and

(ii.) the Irish probate duty grant; and

(iii.) the county per-centage payable as in this Act mentioned out of purchase-annuities; and

(*b*) in respect of the contingent portion of the Fund if and when and to the extent required in pursuance of this Act, the following local grants, that is to say grants—

(i.) for rates and contributions in lieu of rates on Government property in Ireland;

(ii.) in aid of the cost of maintenance of pauper lunatics in district asylums in Ireland;

(iii.) in aid of the salaries of schoolmasters and schoolmistresses in workhouses in Ireland, of the salaries of medical officers of workhouses and of dispensaries in

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Ireland, and of the cost of medicines and medical and surgical appliances, in Ireland, and of the salsries of officers appointed or constituted under the Public Health (Ireland) Act, 1878;

(iv.) in aid of the maintenance of children in industrial schools in Ireland; and 41 & 42 Vict. c. 52.

(v.) for the expenses of the Commissioners of National Education in Ireland under the account headed "National Schools."

(3.) The cash portion of the Guarantee Fund so far as not required in any financial year for the purpose of meeting charges on the Guarantee Fund, shall be applied as follows, that to say,—

(*a*) the Exchequer contribution shall be carried to a reserve fund until a sum of *two hundred thousand pounds* has been so carried; and so far as not required for that purpose, shall be paid to the Local Taxation (Ireland) Account and applied as if it were part of the Irish probate duty grant;

(*b*) the Irish probate duty grant shall be paid to the Local Taxation (Ireland) Account, and applied in manner provided by section three of the Probate Duties (Scotland and Ireland) Act, 1888, so far as unrepealed by this Act; and 51 & 52 Vict. c. 60.

(*c*) the county per-centage arising from a purchase-annuity in respect of a holding in any county, shall be paid to the Local Taxation (Ireland) Account, and (save as otherwise provided by this Act) applied as if it were part of the share of the county in the Irish probate duty grant.

Making up by Guarantee Fund of deficiency of Land Purchase Account

9.—(1.) If by reason of default in the payment of purchase-annuities the Land Purchase Account is at any time insufficient to meet the dividends and sinking fund payments and county per-centage, and the repayment of advances to the Consolidated Fund, the deficiency shall be a charge on the Guarantee Fund and be paid thereout to the Land Purchase Account, subject to such adjustment of charge between the several counties as herein-after mentioned.

(2.) If the cash portion of the Guarantee Fund is at any time insufficient to pay the whole of such deficiency, the Treasury shall, after the proceeding in this section mentioned, order that such sum as appears to them necessary to pay the residue of such deficiency shall be paid to the Guarantee Fund out of the local grants forming the contingent portion of the fund, and shall be deducted from the local grants, and by their order the Treasury shall make such provision as seems to them necessary or proper for carrying the order into effect, and the order shall be duly observed by all persons.

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(3.) The Treasury, before making any such order, shall send to the Lord Lieutenant a notice stating the amount and date of the proposed payment, and if before that date, or such later date as on the application of the Lord Lieutenant the Treasury may allow, the Lord Lieutenant causes to be paid to the Guarantee Fund from the Local Taxation (Ireland) Account, the required sum, with interest at the rate of *four* per cent per annum from the date of the notice, the order shall not be made.

(4.) The Lord Lieutenant shall recoup the Local Taxation (Ireland) Account for such payment by raising the said sum, including the interest, by the levy thereof upon the county or counties liable thereto, in manner herein-after mentioned.

Reserve fund.

10.—(1.) Subject to the directions of the Treasury, the sums carried to the reserve fund may be used for temporary advances to the Land Purchase Account or other current purposes of the Guarantee Fund, and so far as not so used shall be invested by the Treasury, and the income arising from such investments shall, with the resulting income therefrom, be invested and accumulated and form part of the reserve fund.

(2.) If in any year it appears to the Lord Lieutenant, on the report of the Local Government Board and the Land Department, that by reason of any exceptional agricultural calamity in any county it would be advisable in the public interest that all or part of a sum required to meet a deficiency of the Land Purchase Account arising from default in the payment of purchase-annuities in that county should be advanced out of the reserve fund, instead of being paid out of the share of the county in any part of the Guarantee Fund or out of such levy upon the county as herein-after mentioned, he may, with the consent of the Treasury, make an order directing that an adequate portion of the reserve fund shall be advanced for such purpose.

(3.) Every such order shall be laid before both Houses of Parliament, and shall not come into operation until it has lain for not less than thirty days on the table of each House of Parliament, nor if a resolution objecting to the order has been passed by either House of Parliament.

(4.) Where a portion of the reserve fund is advanced in pursuance of such order, the Exchequer contribution, so far as not required for meeting charges on the Guarantee Fund shall, instead of being paid to the Local Taxation (Ireland) Account, be carried to the reserve fund until the said advance and the income which, in the opinion of the Treasury, would have arisen therefrom is replaced.

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(5.) If after any purchase-annuities have ceased, the Treasury, having regard to the amount of annuities which have so ceased, declare that the reserve fund, or any part thereof is no longer required for the purposes of this Act, they may cause such fund or part to be applied, if necessary, for the redemption of guaranteed land stock, and so far as not required for that purpose, to be carried to the Local Taxation (Ireland) account, and the amount so carried shall be applied for such local purposes of public utility in Ireland as may be determined by Parliament.

Guarantee Deposit.

Application and reduction of guarantee deposit.

11.—(1.) Subject to the liability for the guarantee under this Act, the stock retained as a guarantee deposit in respect of any holding—

(*a.*) shall be retained by the Land Department until they ascertain, and by order declare, that by means of the purchase-annuity (exclusive of the purchasers insurance money) or by a sale of the holding a sum equal to the guarantee deposit has been repaid on account of the principal of the advance secured on the holding, and shall then be subject to the provisions of this Act with respect to the distribution of the purchase money; and

(*b.*) the income of such stock shall be paid to the landlord or other person appearing to the Land Department to be entitled thereto.

(2.) The guarantee deposit in respect of any holding, while retained by the Land Department, shall be a guarantee, as by this Act provided, of the purchase-annuity charged on the holding, and if the Land Department declare the whole or any part of an instalment of the annuity to be an irrecoverable debt, they shall meet the guarantee by transferring to the Land Purchase Account out of the guarantee deposit an amount equal to *one half* of such debt, and may sell securities to raise that amount.

(3.) Such declaration shall not be made unless the Land Department either—

(*a.*) have put in force their remedies for the recovery of the debt, or such of them as may appear to them to be under the circumstances most likely to secure payment of the debt, and have failed to realise the amount of the debt, or

(*b.*) declare that there appears no reasonable probability of the amount being realised by means of any such remedy.

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(4.) If subsequently to any transfer from the guarantee deposit to the Land Purchase Account on account of an arrear declared to be an irrecoverable debt, any sums, whether arising from the sale of the holding or otherwise, are applicable to the repayment to the guarantee fund of the net amount paid out of that fund by reason of such debt and are in excess of that net amount, such excess shall be applied towards replacing the amount so transferred from the guarantee deposit.

(5.) Where the Land Department, on the sale of any holdings on the same estate and in the same county consider that, by retaining, as a guarantee deposit stock of a less amount, but available indiscriminately for the whole of those holdings, the security afforded by the guarantee deposit will be enhanced, they may retain accordingly such amount of stock as they think sufficient, less than *one fifth* but not less than *one tenth* of the aggregate advances secured on those holdings, and thereupon the provisions of this Act with respect to the guarantee deposit shall with the necessary modifications apply as if the said stock were the guarantee deposit in respect of each of the holdings; but the declaration under this section, until the making of which the guarantee deposit is to be retained, shall be a declaration that a sum equal to *one fifth* of the principal of the aggregate advances secured on all the holdings has been repaid.

(6.) If subsequently agreements are made for the sale of further holdings on the same estate and in the same county, the Land Department may retain stock of such nominal value as they might have retained if the holdings had been sold at the time of the previous sale, and stock so retained shall, together with the stock previously retained, form in manner above provided the guarantee deposit for all and each of the holdings sold.

(7.) If the Land Department are satisfied that the purchase money and the value of the interest which a tenant agrees to buy in his holding are in excess of an advance made for the purchase of that holding, they may, if the excess is at least *one fourth* of such value, dispense with any guarantee deposit, and if the excess is less than *one fourth*, may reduce the guarantee deposit by an amount proportionate to that excess.

Adjustment between Counties and recoupment out of Local Rate.

Adjustment as between counties of deficiencies

12.—(1.) Where any sum is charged on the Guarantee Fund to meet a deficiency of the Land Purchase Account arising from default in the payment of purchase annuities; that sum shall, as

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between the several counties in Ireland, be borne by the county or counties in which the default occurred in manner provided by regulations under this section, and as between the local authorities and persons in the county shall be borne in manner provided by those regulations.

from purchase-annuities.

(2.) The Lord Lieutenant, with the consent of the Treasury, shall make regulations for carrying into effect this section as respects the accounts to be made out, and the annual adjustment of the burden between the counties and between the local authorities and persons therein, and such regulations shall provide for the burden which on such adjustment falls to be borne by any county, being charged, against the share of the county in the different portions of the Guarantee Fund in the following order, that is to say, first, the Exchequer contribution and the county percentage; secondly, the Irish probate duty grant; and thirdly, the contingent portion of the Guarantee Fund; and those shares shall be ascertained (in accordance with the rules under this Act) on the basis of the then next preceding financial year.

(3.) The share of the county in the contingent portion of the Guarantee Fund shall be ascertained, and a sum charged against that share shall be charged against the Local Taxation (Ireland) Account, and be paid thereout accordingly, and shall be raised by the Lord Lieutenant by a levy upon the county in manner hereinafter mentioned.

(4.) An order of the Treasury directing money to be paid into the Guarantee Fund out of the local grants, shall direct it to be paid out of the local grants in such order as may be required by or in pursuance of the regulations under this section.

Recoupment to county of sums paid for deficiency of purchase-annuities.

13.—(1.) For the purpose of raising a sum which under this Act is required to be raised by the Lord Lieutenant by a levy upon a county, the Lord Lieutenant shall (unless on account of the magnitude of the amount, the circumstances of the county, or any other reason, he thinks it desirable to raise the sum by a special rate) send to the secretary of the grand jury of the county a requisition, requiring the payment to the Local Taxation (Ireland) account of the sum named in the requisition within such period specified in the requisition and not less than *two months* after the then next assizes at which presentments can be made, as under the circumstances appears to the Lord Lieutenant reasonable.

(2.) The requisition shall be laid before the grand jury at the next assizes at which presentments can be made, and the grand jury

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shall, without any previous proceeding at any presentment sessions, make a presentment for the amount payable in pursuance of the requisition together with such further sum as may be necessary to defray the costs of collection to be levied off the county at large, and in default of such presentment the judge of assize shall order the same to be raised, and such order shall have the force of a presentment.

(3.) The county treasurer out of the first moneys coming to his hands in respect of all the presentments made at the said assizes shall pay into the Local Taxation (Ireland) Account in accordance with the requisition, the sum thereby required to be paid, and that sum shall be carried in that account to the credit of the county.

Levy of special rate.

14.—(1.) If the Lord Lieutenant thinks it desirable (as before mentioned) to raise the required sum in a county by a special rate, or if from any cause the whole of the sum named in the requisition is not paid in pursuance thereof, the Lord Lieutenant shall raise the sum required by means of a special rate.

(2.) In that event, the Lord Lieutenant shall, by warrant under his hand, or under the hand of the Chief Secretary, appoint persons for the purpose, and such persons shall applot and collect in the county a special rate sufficient to raise the sum named in the warrant, which sum shall include, besides the sum required to be raised, such further sum as the Lord Lieutenant considers will be required to pay the costs of raising the rate, including such remuneration as he may assign to the said persons.

(3.) The special rate shall be applotted rateably upon all hereditaments in the county liable to the county cess and be payable by the occupier of those hereditaments.

(4.) Every person so appointed shall, for the purpose of the execution of his duties, have all the powers, authorities, and remedies given by law to the collector of county cess, and shall account in manner directed by the Lord Lieutenant for the sums collected, and the warrant of the Lord Lieutenant shall be conclusive proof that the sums named in the warrant are to be raised in the county, and that the person named in the warrant is authorised to applot and collect the rate for the same.

(5.) Any person liable to pay a rate under this section shall on demand, before the execution of the warrant of collection, be entitled to inspect the applotment and the warrant or a copy thereof.

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(6.) Any money collected by means of such rate shall be paid to the Local Taxation (Ireland) Account, and there carried to the credit of the county, and any balance standing to that credit shall be applied in payment of sums which subsequently, in pursuance of this Act, are to be raised by the Lord Lieutenant by a levy upon the county.

(7.) If the special rate is insufficient to raise the sum which it was required to raise, the deficiency may be raised subsequently in the same manner as, or as an addition to, any sum which can under this Act be raised by the Lord Lieutenant by a levy upon the county.

Limit of Advance.

Limit of advances under this Act.

15.—(1.) The amount of advances made in pursuance of this Act in respect of holdings in any county shall not exceed, irrespective of the addition herein-after mentioned, the aggregate of the following sums:—

(*a*) a sum equal to *twenty-five years'* purchase of the share of the county in the Exchequer contribution, the Irish probate duty grant, and the contingent portion of the Guarantee Fund; and

(*b*) such sum as the Lord Lieutenant may assign out of the unappropriated balance of the money authorised by the Purchase of Land (Ireland) Acts, 1885 and 1888, to be issued. 48 & 49 Vict. c. 73. 50 & 51 Vict. c. 33.

(2.) Whenever the Treasury are of opinion that the advances made in respect of the holdings in any county approximate to the foregoing limit, they shall certify their opinion to the Lord Lieutenant, and thereupon the Lord Lieutenant shall forthwith determine, on the basis of the financial year then next preceding, the share of that county in the Exchequer contribution, the Irish probate duty grant, and the contingent portion of the Guarantee Fund by apportioning the same (in accordance with the rules herein-after contained) among the counties in Ireland, and may assign to the county such proportion as he thinks fit of the said unappropriated balance.

(4.) The Treasury may by order authorise an additional amount to be advanced in respect of holdings in a county, provided that the aggregate of the additional amount so authorised for all the counties in Ireland shall not exceed the aggregate of the following sums:—

(*a*) the sums for the time being repaid on account of the principal of the money authorised by the Purchase of Land (Ireland) Acts, 1885 and 1888, to be issued; and 48 & 49 Vict. c. 73. 50 & 51 Vict. c. 33.

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(*b.*) the capital value of the sinking fund of the guaranteed land stock under this Act;

but any such order shall not come into operation until it has lain for not less than thirty days upon the table of the House of Commons, nor if a resolution objecting to the order has been passed by such House.

(5.) After the commencement of this Act no money shall be issued under the Purchase of Land (Ireland) Acts, 1885 and 1888, except for the purpose of advances or the purchase of estates, where application has before the beginning of the present financial year or any later date fixed by the Treasury, been made in the case of an advance by an originating statement, and in the case of a purchase of an estate by the undertaking of tenants to buy their holdings, and so much of the money authorised by the said Acts to be issued for the above-mentioned purposes as by virtue of this enactment cannot be issued is in this section referred to as the unappproriated balance of such money.

Supplemental Provisions.

Vesting Order.

Liability of tenant after agreement for sale.

16.—(1.) Where an agreement for sale by a landlord and a tenant is lodged with the Land Department in pursuance of this Act, the tenant shall not, unless the vesting order is refused, be liable for rent accruing due after the previous gale day for the rent; but shall be liable to pay interest at the rate of *four* per cent per annum on the purchase money, as from that gale day until the first gale day for the payment of purchase-annuities which occurs after the date of the vesting order; and for the purposes of this section the previous gale day for the rent shall be the gale day next before the lodgment of the agreement, or if it is lodged on a gale day, then that gale day.

(2.) The said interest shall be payable to the Land Department half-yearly on the first days of *May* and *November*, and shall be recovered by them as if it were an instalment of a purchase-annuity charged on the holding, and when received shall, after deducting expenses, be paid by them to the landlord, or other person entitled thereto.

(3.) If the vesting order is refused, the agreement for sale shall become void, and the tenant shall be liable to pay his rent in like manner as if that agreement had never been made, but any sum paid by the Land Department to the landlord for interest paid

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by the tenant in pursuance of this section shall be allowed by the landlord to the tenant as if it were rent paid.

Effect of vesting order.

17.—(1.) A vesting order of the Land Department under this Act as regards any holding shall vest the holding in the purchaser, and charge it with the purchase-annuity; and the first instalment of such annuity shall, if the vesting order is made on a gale day for the payment of purchase-annuities, be paid on the next such gale day, and in any other case be paid on the second such gale day which occurs after the making of the vesting order.

(2.) When the vesting order is made, the tenant shall be free from all arrears of rent or other liabilities affecting the holding due by him to the landlord as such.

(3.) The vesting order shall be binding upon all persons claiming any estate or interest in the land comprised in the holding, including Her Majesty the Queen, and shall be effectual to vest in the purchaser and charge the purchase-annuity on the fee simple and inheritance of the holding described in the order, subject to such exceptions and reservations (if any) as to mines, timber, and fishery, or other rights as may be specified in the order, and subject to any public rights affecting the same, and to the provisions of this section respecting the tenant's interest, and respecting easements, but save as aforesaid discharged from all estates, charges, interests, and incumbrances whatsoever as well of Her Majesty as of all other persons whomsoever.

(4.) Where the holding is purchased by the tenant thereof, the estate in fee simple vested in him by the vesting order shall, subject to the charge of the purchase-annuity, and to any such charge for the excess of the purchase money above the advance as is set out in the order, be deemed to be a graft upon the previous interest of the tenant in the holding, and be subject to any rights or equities arising therefrom; provided that any charge on such previous interest of the tenant which is subsisting at the date of the vesting order, and was created under any Act passed before the passing of this Act and authorising the advance of public money or creating charges in respect of improvements on lands shall be a charge on the estate vested in the tenant by the vesting order next after the purchase-annuity.

(5.) The holding vested in any person by a vesting order under this Act shall continue to have appurtenant thereto, and to be subject to (as the case may be) any previously existing easements; and any privileges or advantages previously in fact enjoyed,

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whether by permission of the landlord or otherwise, in such manner and for such time, that if the holding had belonged to a different owner from the rest of the estate, they would have been easements, shall be easements within the meaning of this section, and shall be appurtenant to, or be exerciseable over, the holding (as the case may be). 5

(6.) The Land Department may, if they think fit, within *twelve months* after the date of a vesting order, by order determine any boundary of a holding sold under this Act, and such order shall be endorsed on or annexed to the vesting order, and shall have effect as part of, and as of the date of, the vesting order, and shall be conclusive as to the boundary so determined. 10

Purchase Money.

Transfer of claims to and distribution of purchase money.

18.—(1.) Where the purchase money exceeds the advance under this Act, the Land Department shall, before making the vesting order, cause the excess, or any security for the same, to be carried to the sale account. 15

(2.) After the making of a vesting order, the claims of all persons in respect of any estate, right, charge, or interest into or on the holding (except the tenant and persons claiming under him) shall attach to the purchase money, in like manner as immediately before that date they attached to the holding, and shall cease to be of any validity as against the holding, and, subject as in this Act mentioned, shall be redeemed or discharged out of the purchase money, and the Land Department shall determine the rights and priorities of such persons, and distribute the purchase money in accordance therewith. 20 25

(3.) In the course of such distribution, the Department may order the payment of costs incurred by the landlord in or incidental to the sale, and may, whenever they think it just or expedient, compromise by the payment of any principal or annual sum, any postponed, contingent, or doubtful or other claim of a person to any share or interest in the purchase money. 30

(4.) The Land Department may, either with or without any application, cause any securities or cash under their control on account of the purchase money, whether arising from principal or interest, to be transferred or paid into the High Court, or if retained by them to be sold, realised, or invested in any manner in which securities or cash under the control of the High Court may be sold, realised, or invested. 35 40

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Liabilities of Holding.

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Charge for and recovery of purchase-annuity.

19.—(1.) Every purchase-annuity charged on a holding by a vesting order under this Act shall be a first charge on that holding.

(2.) When the whole or any part of an instalment of any purchase-annuity due on any gale day is in arrear and unpaid the Land Department shall within *one month* from such gale day cause the prescribed notice to be served upon the proprietor of the holding, requiring him forthwith to pay such arrear, and if the arrear, after making the set off (if any) allowed under this Act on account of purchaser's insurance money, is not paid within *three months* from the service of such notice, the holding shall be liable to be sold under this Act.

(3.) Where a holding is liable to be sold under this Act, then subject to the provisions of this Act, the Land Department shall forthwith after the prescribed notice order such holding to be sold, and for that purpose may, at such time as they think expedient, exercise the powers conferred upon mortgagees by sections nineteen, twenty-one, and twenty-two of the Conveyancing and Law of Property Act, 1881, so far as the same are applicable: 44 & 45 Vict. c. 41.

Provided that if in any year it appears to the Lord Lieutenant on the report of the Local Government Board and the Land Department that by reason of exceptional agricultural calamity in any county it is desirable so to do, the Lord Lieutenant may by order direct that the sales of holdings in that county on account of non-payment of arrears shall be suspended, and such further time given for payment of those arrears as he may think expedient.

(4.) If within *six months* after a holding becomes liable to be sold under this Act by reason of an instalment of a purchase-annuity being in arrear and unpaid, the holding is not sold, or the amount of such arrear is not otherwise realized, the Land Department shall declare that for the purposes of the provisions of this Act relating to the guarantee deposit there appears to be no reasonable probability of the amount being realized; but such declaration shall not prevent any subsequent proceedings for the recovery of such arrear.

(5.) The Land Department while any such sale is pending and also if unable to sell or if they think it useless to attempt a sale,

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shall temporarily let or manage the holding for such time and in such manner as they think expedient.

(6.) For the purpose of the sale or of the management of a holding under this Act, the Land Department may issue an order declaring the holding to be vested in them, and directing the sheriff to put them or their agent or nominee into possession of the holding, and thereupon the holding shall vest in the Land Department as if possession of it had been recovered in an action for the recovery of possession on the title at the suit of the Department, and the order shall be executed by the sheriff in the like manner as a writ of possession after a judgment recovered in such an action.

(7.) In acting under this section, the Land Department shall take such course as appears to them most beneficial to the Guarantee Fund, having regard to the interests of the person entitled to the residue of the purchase money.

(8.) The Land Department shall not without the consent of the Treasury sell a holding at such price, or on such terms as will cause loss to the Guarantee Fund, but with such consent the holding may be sold either free from the purchase-annuity or subject to such reduced purchase-annuity for a term not exceeding the normal term of the original purchase-annuity as the Land Department fix, and the provisions of this Act with respect to the original purchase-annuity shall apply to such reduced purchase-annuity.

Application of proceeds of sale and management.

20.—(1.) The net proceeds of the sale of a holding under this Act shall be applied in paying any costs due to the Land Department by reason of arrears of the purchase-annuity charged on the holding, and subject thereto shall be paid to the Land Purchase Account and applied—

(*a*) first, in the repayment of so much of the advance as will not be repaid by any purchase-annuity charged on the holding as sold; and

(*b*) secondly, in the payment of any arrears of the purchase-annuity and the repayment of any sums paid out of the Guarantee Fund or guarantee deposit by reason of former arrears:

and the residue (if any) shall be paid to the person who appears to the Land Department to be entitled thereto.

(2.) The net proceeds of any letting or management of a holding under this Act shall, so far as not required for the discharge of

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the sums due in respect of the current instalments of the purchase-annuity on the holding, be paid into the Land Purchase Account, and applied as directed by this Act with respect to that account.

(3.) Every instalment of such portion of the original purchase-annuity charged on a holding ordered to be sold—

(*a*) as is not on a sale either redeemed or charged on the holding by a reduced purchase-annuity; or

(*b*) as is not defrayed out of the proceeds of any letting or management of the holding by the Department,

shall continue to be charged on and paid out of the Guarantee Fund to the Land Purchase Account in like manner as it would have been if the holding had not been ordered to be sold, and default had been made in payment of such instalment, and for the purpose of the guarantee deposit shall be an irrecoverable debt, but such instalment shall not be payable out of any other funds of the Land Department.

(4.) So long as a holding is in the occupation of the Land Department, or of any manager appointed by them, no poor rate, county cess, income tax, or borough or other local rate shall be recoverable or leviable in respect of the holding; provided that the Land Department, if they have in their hands any net proceeds of the management of the holding, shall apply the same to the payment of such rate, cess, or tax; and every such rate, cess, and tax shall be apportionable for the purpose of this section.

Conditions annexed to holdings while subject to annuity.

44 & 45 Vict. c. 49.

21.—(1.) A holding while subject to a purchase-annuity under this Act, shall, as between the Land Department and the proprietor for the time being of the holding, be subject to the following conditions of purchase, that is to say, to the conditions specified in section thirty of the Land Law (Ireland) Act, 1881 (set out in the second schedule to this Act), and also to the following conditions:—

(*a*.) The proprietor shall not, without the consent of the Land Department, do any act which if done by a tenant at will wouldas between him and his landlord be waste.

(*b*.) The proprietor shall keep all main drains and watercourses upon the holding at the date of the agreement for sale in good order, repair, and condition.

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(*c*.) The proprietor shall permit any person authorised in that behalf by the Land Department at all reasonable times to enter upon the holding and ascertain how far the several conditions of purchase are being observed.

(2.) Where the proprietor persistently, after written notice given by the Land Department requiring him to observe the same, contravenes any of the conditions of purchase which are set out in this section, or where the holding is liable to be sold for a breach of any of the conditions of purchase set out in the second schedule to this Act, then, without prejudice to any other remedy, the holding shall be liable to be sold under this Act.

(4.) It shall be the duty of the Land Department to enforce the observance of the conditions of purchase.

Supplemental as to Guaranteed Land Stock.

Purchase or exchange of guaranteed land stock by National Debt Commissioners. 50 & 51 Vict. s. 2.

22.—(1.) The National Debt Commissioners shall have power out of any funds in their hands to purchase guaranteed land stock.

(2.) They shall also, within the limits fixed by the Treasury in communication with them, give on application Consolidated annuities, whether created under the National Debt Conversion Act, 1888, or consolidated with the annuities so created, in exchange for an equal nominal amount of guaranteed land stock.

Supplemental provisions as to guaranteed land stock and sinking fund.

23. With respect to guaranteed land stock and the sinking fund for the same, the following provisions shall have effect, that is to say :—

(1.) The Treasury may create and place at the disposal of the Land Department for the purposes of this Act, such amount of the stock as the Land Department show to the Treasury to be required.

(2.) The stock created from time to time shall be consolidated with the like stock previously created, and all the stock shall be transferable in the books of the Banks of England and Ireland respectively in like manner as consolidated stock forming part of the National Debt, and shall be subject to the enactments relating to that stock so far as is consistent with the tenor of those enactments and this Act, so, however, that the said enactments shall not create any further charge on the Consolidated Fund than is created by this Act.

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(3.) All persons having power, whether subject or not to any restrictions or conditions, to invest in any other stock of the National Debt, shall have power, subject to the same restrictions and conditions (if any), to invest in the stock.

(4.) The creation of the stock shall be effected by a warrant from the Treasury to the Bank of England or Ireland directing them from time to time to inscribe in their books such amount of stock in such names and on such account as may be directed by a warrant of the Land Department, so that the amounts so inscribed do not exceed in the aggregate the amount mentioned in the warrant of the Treasury; but no payment shall be made in respect of dividends on stock so created until the first dividend day which occurs next after the date of issue of that stock.

(5.) The Land Department may issue the stock by means of such a warrant to the Bank of England or Ireland as above mentioned; and the first of the usual dividend days which occurs next after the date of the warrant shall be the date of issue of the stock specified in that warrant; and together with the first dividend there shall be paid out of the Land Purchase Account as part of the dividends on the stock, interest at the rate of *two and three quarters* per cent. per annum on the nominal amount of the stock for the period between the date (to be named in the warrant) at which the interest payable by the purchasing tenant will cease, and the date of issue of the stock.

(6.) The notice for the purpose of redemption of the stock shall be not less than one month's notice, and shall be given by a resolution of the House of Commons, signified by the Speaker in writing and printed in the London and Dublin Gazettes, and the stock may be redeemed at such time or times and either in one sum or in such sums and proportions and in such order and manner as Parliament may direct.

(7.) The sums carried to the sinking fund shall be paid to the National Debt Commissioners and shall together with any income arising from investments on account of the fund, be applied by them in the purchase or redemption of the stock, and until so applied shall be invested by them in securities charged on or guaranteed by the Consolidated Fund of the United Kingdom; and any guaranteed land stock so purchased or redeemed shall be cancelled, and the money which other-

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wise would be applicable to pay the dividends on and sinking fund payments for such stock shall, notwithstanding such cancellation or redemption, be paid out of the Land Purchas e Account and carried to the sinking fund and dealt with as income arising from investments. 5

(8.) The warrants of the Treasury and of the Land Department, issued in pursuance of this Act, shall be a sufficient authority to the Banks of England and Ireland respectively for doing the things thereby directed.

Remuneration of Banks of England and Ireland.

24. For the purpose of calculating the remuneration to the 10 Banks of England and Ireland respectively, for the management of the National Debt, the guaranteed land stock shall form part of the unredeemed National Debt; but such proportion of the amount payable in respect of that remuneration as corresponds to the amount of guaranteed land stock, shall if the Treasury so direct be paid 15 by the Land Department to the Consolidated Fund as part of their expenses under this Act.

As to Guarantee and other Funds.

Rules for apportionment between counties.

25. In determining for the purpose of any provision of this Act the share of a county in any portion of the Guarantee Fund, the 20 following rules shall be observed:—

(1.) The Irish probate duty grant and the Exchequer contribution shall respectively be divided between the counties in the proportion in which the Irish probate duty grant is under the Probate Duties (Scotland and Ireland) Act, 1888, distributable 25 among the guardians of unions and road authorities of each county.

51 & 52 Vict. c. 60.

(2.) The contingent portion of the Guarantee Fund shall be divided between the counties in proportion to the amounts which would, irrespectively of this Act, have been payable 30 for the local purposes of each county, in the financial year on the basis of which the apportionment is made, out of moneys provided by Parliament for the local grants forming the contingent portion of the Guarantee Fund.

(3.) Where the benefits of any school or lunatic asylum for the 35 purposes of which any local grant is payable are not confined to the county in which such school or asylum is situate, the Lord Lieutenant may assign such amount of the grant as he thinks just to any county appearing to him to be benefited.

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(4.) Where parts of a poor law union or other area for the local purposes of which any part of the Irish probate duty grant, or any local grant is payable, are situate in more than one county, the grant shall be divided between each county in proportion to the rateable value of the parts situate in each county.

(5.) Any question which may arise as respects the apportionment between two or more counties, or as respects the share of any county in any fund or portion of a fund or sum, or as respects the rights of or burdens of counties or local authorities or other persons in respect of payments out of the Guarantee Fund or the Local Taxation (Ireland) account, shall be referred to the Lord Lieutenant, whose decision shall be final.

As to guarantee fund, reserve fund, and land purchase account.

26.—(1.) The Exchequer contribution shall be paid out of the Consolidated Fund at such times in every year as the Treasury fix.

(2.) Section one of the Probate Duties (Scotland and Ireland) Act, 1888, shall be construed as if the Guarantee Fund under this Act were substituted for the Local Taxation (Ireland) Account.

51 & 52 Vict. c. 60.

(3.) A sum payable out of the reserve fund, if in excess of the dividends, may be raised by the sale of securities held on account of that fund.

(4.) A holding situate in more than one county shall for the purposes of this Act, be deemed to be in such county as the Land Department fix, having regard to the area and value of the holding.

(5.) The amount of any sum payable out of the Guarantee Fund, or the guarantee deposit, or chargeable against any county, shall be certified in such manner as the Treasury direct, and a certificate so given shall be conclusive evidence of the facts stated in the certificate.

(6.) Where any money is paid to the Land Purchase Account in respect of any purchaser's insurance money, or the redemption of all or any part of a purchase annuity or of arrears or from any source other than the current half-yearly instalments of a purchase-annuity, or where money is paid to that account out of the Guarantee Fund, the Treasury shall cause such adjustments to be made between the sinking fund and the Land Purchase Account as appear to them necessary for carrying into effect the intention of this Act, and may for that purpose direct any payments to be made to or from the sinking fund or Land Purchase Account or the Guarantee Fund.

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(7.) Where any sum paid out of the Guarantee Fund is repaid by the Land Purchase Account, the same shall, subject to the regulations of the Treasury be credited to those portions or items of the Guarantee Fund against which the said sum was previously charged in the same proportions in which it was so charged. 5

Turbary.

Rights of turbary and acquisition of bog.

27.—(1.) Where any tenants of holdings on an estate have purchased their holdings, the Land Department may, if the landlord agrees to sell any bog on the estate, purchase the same for the benefit of any tenants or purchasers of holdings on the estate who 10 have been accustomed to exercise, whether as of right or by permission, any privilege of turbary over any bog on the estate or for the benefit of any other tenants or purchasers of holdings on such estate and of other inhabitants of the neighbourhood.

(2.) The amount of the purchase money and costs shall be 15 defrayed as part of the expenses of the Land Department, and all sums received by the Land Department in respect of bogs purchased in pursuance of this section shall, if directed by the Treasury, be applied as an appropriation in aid of money provided by Parliament for the expenses of the Land Department, and so far 20 as not so directed, shall be paid into the Exchequer.

(3.) The Land Department, before purchasing any bog, shall be reasonably satisfied that they will ultimately obtain from the bog an amount sufficient to repay the purchase money with interest at the rate of *three and one eighth* per cent per annum. 25

(4.) Where the Land Department purchase a bog on an estate, and any tenants or purchasers of holdings on the estate have been accustomed, whether as of right or by permission to exercise any privilege of turbary, the Department shall grant them that privilege, subject to the provisions herein-after contained as to payment, con- 30 ditions, and regulations, and so far as such grants do not extend, may grant privileges of turbary to the tenants or purchasers of holdings on the estate, and to other inhabitants of the neighbourhood, or any of them, and, in any case, shall require such payments as the Land Department consider will, after deducting current 35 expenses, pay off with interest the purchase money and costs of purchase, and may make such conditions and regulations as they think expedient as to the exercise of the privileges granted.

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(5.) When the bog or any part thereof is exhausted for the purposes of turbary, the Land Department may sell the same.

(6.) Where a holding purchased by a tenant comprises a bog which is subject to a right of turbary exerciseable by persons other than the proprietor of the holding, the Land Department on application may make regulations for the purpose of securing that the exercise of the right shall not prevent the future reclamation of the bog, and that such persons shall have reasonable facilities for the exercise of the said rights.

(7.) Any regulations under this section may provide for the punishment of any breach of them by a fine not exceeding *ten pounds* to be recovered in a summary manner.

(8.) This section shall apply where holdings have been purchased either under this Act, or whether before or after the *passing of this Act*, under any of the Purchase of Land (Ireland) Acts, or under the Irish Church Act, 1869: Provided that where a holding subject to a right of turbary has been purchased before the *passing of this Act*, the regulations under this section shall be made only on the application of the proprietor of the holding.

32 & 33 Vict. c. 42.

Incumbered Estates.

Sale of estate under Landed Estates Court Act.

28.—(1.) Where an absolute order for the sale of an estate has been made in pursuance of the Landed Estates Court Act, and the estate is so circumstanced that it would, if this Act had not passed, be sold independently of the consent of the landlord as to price, then if it appears to the Land Department that such estate can be sold to the best advantage by sales to the tenants under this Act, the Department may order that any holdings on such estate shall be so sold, and thereupon this Act shall apply as if the Land Department were the landlord.

Caveat by incumbrancers.

29. Any incumbrancer who desires to have notice of the sale of any holding comprised in his security may lodge with the Land Department in the prescribed form and manner a caveat, and thereafter when an agreement for the sale of any holding comprised in his security is lodged with the Land Department, the prescribed notice of such agreement shall be given to the incumbrancer before the vesting order is made, and the incumbrancer may, within the prescribed time and subject to the prescribed conditions, be admitted to show that the agreement for sale ought not to be carried into effect on the ground that the purchase money is inadequate, but unless he satisfies the Land Department to that

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effect, all costs incurred by him under this section shall be borne by him personally, and shall not be recovered under his security as an addition to his incumbrance.

Head Rents.

Rights of superior landlord.

30.—(1.) Where the landlord within the meaning of this Act of any estate (in this section referred to as the immediate landlord) himself pays rent in respect of the estate to another person, then if that rent exceeds *one-third* part of the annual value, ascertained as in this section mentioned, of the estate of the immediate landlord in respect of which the rent is paid, the person entitled to receive such rent shall be a superior landlord within the meaning of this Act, but in any other case he shall be considered as the holder of a head rent subject to apportionment and redemption in manner provided by this Act.

(2.) Where there is such a superior landlord of an estate, and an agreement for the sale of a holding on such estate is lodged under this Act with the Land Department, the Department shall cause the prescribed notice of the agreement to be given to the superior landlord before they make a vesting order, and if on the prescribed application of the superior landlord the Land Department are satisfied, that by reason of the smallness of the interest of the immediate landlord or for any other cause it is just and expedient so to do, they may by order substitute the superior landlord for the immediate landlord.

(3.) Where there is such a superior landlord of an estate, any tenants of holdings on the estate with whom the immediate landlord has failed to make agreements for the sale of their holdings, may request the superior landlord to sell to them their holdings in pursuance of this Act, and thereupon he may make the prescribed application to the Land Department, and if that Department, having regard to the smallness of the interest of the immediate landlord, and to the number of, and rents paid by, the tenants with whom the superior landlord is willing to agree for the sale of their holdings, are satisfied that it is just and expedient so to do, they may by order substitute the superior landlord for the immediate landlord.

(4.) An order substituting a superior landlord for an immediate landlord may be made as regards either the whole or part of the estate, and may be made upon such terms and conditions (if any) as may be therein specified; and upon the order being made the superior landlord shall be the landlord for the purpose of a sale to the tenants under this Act.

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(5.) Where an order substituting a superior landlord for an inferior landlord is made, such sum (if any) in respect of the value of the interest of the immediate landlord shall be paid as may be determined under the provisions of section sixteen of the Land Law (Ireland) Act, 1887 (set out in the Second Schedule to this Act, which relate to the determination of the amount payable for the redemption of a rent), and such sum may be paid out of the purchase money of any holding sold or otherwise as directed by the order.

(6.) If in any case where there is a superior landlord he is not substituted under this section for the immediate landlord, the immediate landlord may sell as landlord under this Act, and the superior landlord shall be considered as the holder of a head rent subject to apportionment and redemption in manner provided by this Act.

(7.) For the purpose of determining the application of this section, the annual value of an estate to the immediate landlord shall be the aggregate amount of the gross annual rent payable to him by occupying tenants, and of the rateable value of such portion of the estate as is not occupied by tenants; and the rent where payable out of two or more estates, shall, for the purpose of this section, be apportioned between those estates in proportion to the rateable value of each estate.

Application of provisions as to rights of superior landlord.

31.—(1.) Where a landlord within the meaning of this Act is unable to sell under this Act by reason that he holds his land under a lease of which less than *one hundred years* are unexpired, the person to whom he pays the rent under such lease shall be a superior landlord within the meaning of this Act, and the provisions of this Act with respect to superior landlords shall apply in like manner as if the immediate landlord had failed to make agreements for the sale to his tenants of their holdings.

(2.) Where in respect of any estate there is a succession of persons, each of whom pays rent to another person from whom he derives title, the Land Department, upon the application of any of such persons, having regard to the several interests of each of such persons in succession, may make such orders, substituting for the immediate landlord any one of such persons whose interest is equal to that of a superior landlord within the meaning of this Act, and protecting, whether by payment or redemption or otherwise, the interests of all those persons, and with or without terms and conditions, as they think just and expedient.

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(2.) The Land Department, on the application of any tenants of holdings on an estate, may require the person to whom they pay their rents to state to the Department such particulars respecting the estate and his interest therein as will show whether there is or is not any person who, as respects that estate is a superior landlord within the meaning of this Act, and the Land Department shall have the same power of enforcing the statement of those particulars as the High Court has for enforcing discovery.

Apportionment and redemption of head rents and other liabilities.

32.—(1.) Where any land sold under this Act is subject with other land to any of the following liabilities, namely, any head rent, annuity, tithe rentcharge, land improvement charge, or drainage charge, and such liability is not redeemed, the Land Department or Board of Works shall apportion such liability between the purchase money of the land sold and the other land in accordance with the Land Law (Ireland) Act, 1887, and so much of sections fifteen and sixteen of that Act as is set out in the Second Schedule to this Act shall apply accordingly with the substitution of the purchase money for the land sold and with other necessary modifications; but no consent of the Commissioners of Woods or of the Treasury shall be required for any such apportionment.

50 & 51 Vict. c. 33.

(2.) Where an estate is subject to any such liability, and some only of the holdings on such estate are sold, the Land Department may, if they think fit, without apportioning such liability, apply the purchase money of the holdings in the redemption thereof.

(3.) Where a head rent is redeemed, and the owner of the head rent agrees to the extinguishment of any exceptions or reservations made by the instrument under which the head rent is payable, the Land Department may order the extinguishment of such exceptions and reservations, or any of them, and such order shall be endorsed on or annexed to the vesting order, and shall have effect as part of, and as of the date of, that order.

(4.) Where a holding sold in pursuance of this Act is subject to any head rent or annuity and is indemnified by any other land wholly or partly against the payment of such liability, the Land Department may, after the prescribed notice, if they are satisfied that the other land affords such security for the liability for which it is an indemnity as to exempt the holding sold from any risk of being resorted to, declare the purchase money of such holding to be discharged from that liability, but if they are not satisfied that the other land affords such security as aforesaid, the liability for which such other land is an indemnity shall for the purpose of the provisions of this Act with respect to the distribution of the purchase

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money, be deemed to be a contingent claim against the purchase money.

(5.) Any question which arises under the provisions of section sixteen of the Land Law (Ireland) Act, 1887, set out in the Second Schedule to this Act, as to who are the parties for the purpose of determining the price of redemption of any liability, shall be referred to and determined by the Land Department.

Redemption of rent by long leaseholders when occupying tenants. 44 & 45 Vict. c. 49. 50 & 51 Vict. c. 33.

33.—(1.) Where a person in bonâ fide occupation of a holding to which Part One of the Land Law (Ireland) Act, 1881, applies is a lessee under a lease to which the provisions of section one of the Land Law (Ireland) Act, 1887, do not apply by reason of the period of its expiration or by reason of its being renewable, and such person holds his land at a rent which the Land Department considers, having regard to the renewal fines (if any), to be a full agricultural rent, such occupier shall, subject as herein-after mentioned, be entitled to redeem his rent by payment of such capital sum as may be agreed upon, or in case of difference may be determined (regard being had to the adequacy of the security) in like manner as if it were a head rent redeemed under the provisions of section sixteen of the Land Law (Ireland) Act, 1887, set out in the Second Schedule to this Act:

Provided that if the lessor objects in the prescribed manner to such redemption, the redemption shall not be made, but the lessee shall be deemed to be a tenant of a present tenancy in like manner and subject to the like conditions, and to the same right of resumption, as if his lease had expired, and his holding shall be subject to the provisions of the said Act of 1881, with regard to present tenancies.

(2.) The Land Department may carry into effect a redemption under this section in like manner as if it were a redemption of a head rent, and upon the payment of the redemption money, shall by order discharge the holding from the said rent.

(3.) The Land Department may make an advance under this Act for such redemption money to the like amount as if that money were the purchase money of his holding by a tenant, and the provisions of this Act respecting the purchase-annuity and the vesting order shall apply with the necessary modifications.

Miscellaneous.

Application of county per-centage to labourers cottages.

34. Where it appears to the Lord Lieutenant, on the representation of the Local Government Board, that the whole or part of any county per-centage paid to the Local Taxation (Ireland) Account for the credit of any county might with advantage be applied towards the cost of providing labourers' cottages in that county under the

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46 & 47 Vict. c. 60.
49 & 50 Vict. c. 59.

Labourers (Ireland) Acts, 1883 to 1886, the Lord Lieutenant may make such order as he thinks proper for securing the said application of the per-centage or any part thereof, on such terms and conditions and subject to such regulations as he thinks expedient, and may for that purpose withhold or suspend the distribution of the whole or part of the county per-centage when paid to the Local Taxation (Ireland) Account.

Purchase of residues.

35. Where a landlord is willing to sell all but not a portion only of the holdings on his estate, and a body of tenants not less in number than three-fourths of the whole number of tenants on the estate, and paying in rent not less than *two thirds* of the whole rent of the holdings on the estate, are willing to purchase their holdings, and other purchasers can be found to buy the residue of such estate and to pay *one-half* of the purchase money for such residue, agreements for the sale of such residue may be made under this Act in like manner as if the said purchasers were tenants of the landlord, and the Land Department may make advances under this Act in like manner as in the case of a sale to tenants, and the provisions of this Act shall apply accordingly, save that the advance shall not exceed *one half* of the purchase money, and the vesting order shall not affect the interest of the tenant in any holding bought by a purchaser not a tenant.

Extended investment of purchase money of holding.

36.—(1.) Where the land comprised in a holding sold to a tenant is settled land within the meaning of the Settled Land Acts, 1882 to 1887, and the purchase money for such holding is received by the trustees of the settlement, those trustees, according to such direction and subject to such consent (if any) as is required by the Settled Land Acts, 1882 to 1887, may in their discretion invest the money not only in any security authorised by the settlement for any trust fund comprised therein, but also in any other securities, the investment in which is assented to by the person who next after the then tenant for life, and his or her wife or husband, is entitled to the money for his life or for any greater interest, and if such person is under disability, the assent may be given in manner provided by section seventy-three of the Landed Estates Court Act (set out in the Second Schedule to this Act).

(2.) Where the persons so entitled are trustees they may give the assent above mentioned without incurring any liability, and may give it before the agreement for sale is made, and where the persons so entitled are entitled as tenants in common a majority of the persons representing the whole of the property of such tenants in common may give the above-mentioned assent.

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(3.) In the case of settled land, if there are no trustees of the settlement, trustees may be appointed under the Settled Land Acts, 1882 to 1887, before any such agreement for sale is made, and the trustees of the settlement may, before any such agreement for sale is made, consent to the securities in which money arising from any sale is to be invested.

(4.) This section shall not authorise an investment in any security specifically forbidden by the settlement, but shall have effect notwithstanding any general prohibition of investing in securities not mentioned in the settlement.

Supplemental as to orders and acts of Land Department.

37.—(1.) Any sale by the Land Department in pursuance of this part of this Act may be carried into effect by a vesting order which, subject to the terms of the order, shall have the like effect as a vesting order under this Act vesting a holding in a purchasing tenant.

(2.) A vesting order of the Land Department shall for all purposes be conclusive evidence that such order was within the powers conferred by this Act, and that everything required to have been done previously to the making of the order has been duly done.

(3.) A certificate purporting to be under the common seal of the Land Department shall be conclusive evidence as to the proceeds of any sale, letting, or management of a holding.

Power of Treasury to make regulations as to finance.

38.—(1.) The Treasury may make regulations for the purpose of carrying into effect the financial provisions of this part of this Act, and in particular respecting the creation and issue of stock, the funds and accounts established in pursuance of this part of this Act, the accounts to be kept and the carrying, payment, or crediting of moneys from or to such funds or accounts, and the returns to the Treasury respecting the same, and the dealing with any balance arising from time to time on any such fund or account, and the times at which any of such matters are to be done, and with respect to the execution by the Land Department of any duties in relation to any of those funds or accounts, and with respect to the audit of the accounts of the receipts and expenditure in respect of any such funds or accounts, and such regulations, so far as they are not inconsistent with any express provisions of this Act, shall be duly observed.

(2.) Such regulations shall be laid before both Houses of Parliament forthwith after they are made.

Constitution of counties for purposes of Act.

39.—(1.) The counties of cities and towns specified in Part One of the First Schedule to this Act shall, for the purposes of this part

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of this Act, be considered as included in the counties in that behalf named in that schedule.

(2.) Where a county comprises, for the purposes of this Act, a county of a city or a county of a town, the amount required in pursuance of this Act to be raised in such county shall be apportioned by the Lord Lieutenant between such county of a city or county of a town, and the rest of the county in proportion to the rateable value of each area, and the provisions of this Act as to the levy of a sum upon the county out of the county cess or by a special rate shall apply to such county of a city or town with the necessary modification, and in particular with the substitution of the grand jury of such county of a city or town, or of any body exercising therein the functions of a grand jury, for the grand jury of the county.

(3.) Nothing in this part of this Act shall apply to any of the counties of cities mentioned in Part Two of the First Schedule to this Act, save that they shall be entitled to the like share of the Irish probate duty grant and Exchequer contribution as if this part of this Act applied to them, and such share shall be determined accordingly under this Act.

Incorporation of enactments in Second Schedule.

40. The enactments set forth in the Second Schedule to this Act shall, subject to the provisions of this Act, have effect as if they were enacted in this part of this Act, with the necessary modifications, and in particular—

(*a.*) with the substitution of "Land Department" for "court" (except in the definition of "incumbrance" and except where the enactment refers to the Court of Appeal), and for "Land Commission" and "Land Commissioners"; and

(*b.*) with the substitution of Part One of this Act for the Land Law (Ireland) Acts, and for the Purchase of Land (Ireland) Act, 1885, and the Acts amending the same; and

(*c.*) nothing in the Purchase of Land (Ireland) Amendment Act, 1889, shall limit the amount of land which may be purchased otherwise than in pursuance of that Act, and a reference in that Act to principal money payable by the purchaser shall be construed to refer to the purchase money;

and expressions in the said schedule, and in this part of this Act, shall be construed accordingly as if the said schedule and this part of this Act together formed this part of this Act.

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PART II.

CONGESTED DISTRICTS.

Congested Districts Counties.

Congested districts counties, and application thereto of Part I. 45 & 46 Vict. c. 47.

41.—(1.) If in a county which comprises any of the unions and electoral divisions mentioned in the Second Schedule to the Arrears of Rent (Ireland) Act, 1882, or settled in pursuance of section twenty of that Act by the Local Government Board with the consent of the Lord Lieutenant, (in this Act referred to as congested unions and electoral divisions), the population of the aggregate of such of those unions and electoral divisions as are comprised in the county exceeds *twenty-five* per cent of the total population of the county, those unions and divisions shall for the purposes of this Act be separated from the county in which they are geographically situate, and form a separate county (in this part of this Act referred to as a congested districts county), and the provisions of Part One of this Act with respect to determining the share of a county in any portion of the Guarantee Fund shall apply accordingly with the necessary modifications.

(2.) There shall be applied for the purposes of this section the Church Surplus Grant (herein-after mentioned), and that grant shall be apportioned between the congested districts counties in proportion to the population of those counties, and the capital sum so apportioned to each county shall be added to the amount of advances which might otherwise be made in pursuance of this Act in respect of holdings in that county, and shall form part of the contingent portion of the Guarantee Fund, and may be applied accordingly.

(3.) The share of a congested districts county in the local grants under the account headed "National Schools," shall not form part of the contingent portion of the Guarantee Fund for that county.

(4.) Where under Part One of this Act a sum is required to be raised by the Lord Lieutenant by a levy upon a county from which a congested districts county is separated, no portion of the county cess or special rate shall be applotted upon any hereditaments in the congested districts county.

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(5.) Where under Part One of this Act, a sum is required to be raised by the Lord Lieutenant by a levy upon a congested districts county—

(*a.*) *one half* of that sum shall be paid in such manner as the Treasury may direct out of the income, or if that is not available, out of the share of the county in the capital of the Church Surplus Grant, so far as that share extends, and the residue shall be raised by the said levy; and

(*b.*) a requisition may be sent to the secretary of the grand jury of the entire county, and the amount shall be paid accordingly, but the additional amount of county cess required to comply with the requisition, or any special rate levied to raise any such sum, shall be applotted solely upon the hereditaments within the congested districts county.

Amalgamation of holdings.

42. For the purpose of amalgamating holdings in a congested districts county which are of a rateable value of less than *ten pounds*, or any higher sum fixed by the Congested Districts Board, that Board may—

(*a.*) out of the moneys at their disposal give special aid to the emigration or migration of any tenant of a holding on condition of his interest in that holding (whether that of tenant or proprietor) being transferred to an occupier (whether tenant or proprietor) of a neighbouring holding, and of the holdings being amalgamated, and there being on such amalgamated holding only one house used as a dwelling-house; and

(*b.*) recommend the Land Department to make such arrangements (which the Land Department are hereby authorised to make) for carrying into effect such amalgamation of holdings, whether by the apportionment of a purchase-annuity and of the guarantee deposit, or by a sale to a tenant, or otherwise as may seem expedient; and

(*c.*) any such arrangement may include an advance by the Land Department towards the purchase of any such interest as aforesaid of an emigrating or migrating tenant, to be repaid by a purchase-annuity which the Land Department may charge on the holding as if the advance were made under Part One of this Act.

(*d.*) The amount of such advance shall be supplied to the Land Department by the Congested Districts Board out of moneys at the disposal of the Board, and all sums received by the Land Department towards the interest on repayment of such advance shall be paid to the Board.

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Restrictions on sale of holdings in congested districts county with a view to amalgamation.

43.—(1.) Where a holding in a congested districts county is purchased under this Act, and is of less rateable value than *ten pounds* or any higher sum fixed by the Congested Districts Board, such holding during the continuance of the purchase-annuity charged thereon shall, in addition to the conditions to which it is subject by virtue of Part One of this Act, be subject to the following condition, namely, that the proprietor shall not sell the holding except to the occupier of a holding in the neighbourhood or to the Land Department, and if he does so, the holding shall be liable to be sold under this Act.

(2.) If the proprietor applies to the Land Department to purchase the holding, the application shall be made through or referred to the Congested Districts Board, and the purchase shall be made by the Department out of moneys at the disposal of the Congested Districts Board, and for such sum as may be agreed on by the tenant and that Board, or, in case of difference, may be ascertained by the Land Department to be the full market value of the holding.

(3.) Where the Land Department so purchase a holding, Part One of this Act shall apply as if that holding were liable to be sold under this Act and the holding may be vested in the Land Department.

(4.) Where a holding in a congested districts county is (whether under this section or Part One of this Act) liable to be sold under this Act, the Land Department shall endeavour to sell the same to one of the occupiers (whether proprietor or tenant) of a holding in the neighbourhood with a view to the holdings being amalgamated with one house only used as a dwelling-house on the amalgamated holding.

(5.) Any such sale may be made upon such terms and conditions, and in consideration wholly or partly of an annuity of such amount and payable during such period as the Land Department fix, having regard solely to the increase in the value of the purchaser's holding caused by the addition to it of the holding sold, but the term of such annuity shall not exceed the normal term for a purchase-annuity, and shall be charged and be recoverable as if it were a purchase-annuity.

Supplemental provisions as to amalgamation of holdings in congested districts county.

44.—(1.) The provisions of this part of this Act respecting the amalgamation of holdings by the transfer or purchase of a holding or otherwise shall in cases where the Congested Districts Board think it expedient apply to a part of a holding.

(2.) Where upon the amalgamation of a holding in pursuance of this part of this Act any loss is caused either to the person who

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is or prior to the amalgamation was occupier (whether as tenant or proprietor) of such holding, or to the Land Department, by reason of there being only one house used as a dwelling-house on the amalgamated holding, or otherwise by reason of the amalgamation, the Land Department may, and on the request of the Congested Districts Board, shall, certify such loss, and the amount so certified shall be paid by the Congested Districts Board out of the moneys at their disposal, and shall be paid (as the case may require) either to the said occupier, purchaser, or the Land Department, and if paid to the Land Department, shall be paid to the Land Purchase Account towards the discharge of the purchase-annuity on the holding sold.

(3.) Where more than one house on a holding amalgamated in pursuance of this part of this Act is used as a dwelling-house, the holding shall, except where that use is permitted as herein-after mentioned, be liable to be sold under this Act:

Provided that if the Congested Districts Board are of opinion that, owing to any special reason, it is desirable so to do, they may request the Land Department to permit, and thereupon the Land Department shall permit the former tenant of another house on the amalgamated holding or a member of his family for such limited time and on such terms and conditions as the Department approve, to become and be caretaker of such other house, and of any yard and garden attached thereto, and not exceeding half an acre.

General Aid to Poor Districts by Congested Districts Board.

Power to aid emigration and migration.

45.—(1.) The Congested Districts Board may, out of moneys at their disposal,—

(*a.*) make grants to any persons for the purpose of aiding the emigration or migration of inhabitants of any congested union or electoral division, or any other place in Ireland, the circumstances of which appear to the Board to render such aid desirable; and

(*b.*) aid the supervision of arrangements for securing the satisfactory emigration or migration of such inhabitants; and

(*c.*) may directly apply money for any such purpose as aforesaid; and

(*d.*) may apply money to promote or aid any scheme, the primary object of which is emigration or migration.

For the purposes of this part of this Act "emigration" and "migration" respectively include the settlement of families and persons in the place to which they emigrate or migrate.

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Power to sell seed potatoes and oats.

46.—(1.) The Congested Districts Board may, if they think fit provide seed potatoes and seed oats, and sell the seed to any occupier of a holding in any congested union or electoral division subject to the following provisions:—

(*a*) the seed shall be sold for ready money, and for not less than the cost of the seed (including all expenses incurred for carriage, storage, or otherwise), except so far as such cost may be defrayed out of gifts specially given to the Board, or moneys specially provided by Parliament, for that purpose; and

(*b*) the seed shall not be sold to any occupier unless the Board are satisfied that he will properly sow the same.

(2.) When any seed has been so sold to any occupier, any person nominated by the Board may, at all reasonable times, enter into and examine any land occupied by such occupier, and ascertain whether the seed sold to him has been properly sown.

Aid by Board to Irish industries.

47.—(1.) The Congested Districts Board may apply the moneys at their disposal for all or any of the following purposes, that is to say,—

(*a*) for the investigation of the extent to which fish exist, and where and in what manner fishing can most usefully be assisted and developed on such parts of the coast of Ireland as the Board think proper; and

(*b*) for the instruction of persons in the curing of fish, whether by means of schools, or of curing-houses, or otherwise as the Board think expedient; and

(*c*) in encouraging and developing the knowledge of practical and scientific agriculture, and the improvement of the breed of live stock and poultry; and

(*d*) in improving and developing weaving, or spinning, or any other industries or any industrial resources.

(2.) The Board may either apply their money directly for the above purposes or make grants or loans to any persons, and may do so upon, under, and subject to such terms and conditions as the Board consider expedient, or may proceed partly in one mode and partly in the other; and any moneys received in respect of the repayment of the loans or of interest on such loans may be applied as part of the moneys placed at the disposal of the Board.

(3.) The Board of Works, on the requisition of the Congested Districts Board, shall pay out of the Irish Reproductive Loan Fund and the Sea and Coast Fisheries Fund, to the Congested Districts Board such sums, for the purposes of this Act, [as the Treasury

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may sanction, and any sums so paid out of the Irish Reproductive Loan Fund may be applied for those purposes in any county in which that fund is, before the passing of this Act, applicable.

Establishment and Constitution of Congested Districts Board.

Constitution of Congested Districts Board.

48.—(1.) For a period of *twenty years* next after the passing of this Act there shall be a Board called the Congested Districts Board for Ireland, which shall consist of the Chief Secretary and of a member of the Land Department nominated by the Lord Lieutenant to especially represent agriculture, and of five unofficial members, but, in the absence of the Chief Secretary, the Under Secretary shall take his place at the Board.

(2.) It shall be lawful for Her Majesty, by warrant under the Royal Sign Manual, to appoint two or more persons to be temporary members of the Board for the purpose of the transaction of the business of the Board relating to fisheries, agriculture, or other special matters.

(6.) Three of the Board shall form a quorum, and any act of the Board may be signified under the hands of any three members of the Board.

Members of the Board.

49.—(1.) The first unofficial members of the Board shall be

(2.) If during the existence of the Board a vacancy occurs in the office of any unofficial member of the Board by death, resignation, incapacity, or otherwise, Her Majesty may by warrant under the Royal Sign Manual appoint some fit person to fill such vacancy.

Officers of the Board.

50.—(1.) A secretary to the Congested Districts Board shall be appointed by the Lord Lieutenant, and receive such salary as the Lord Lieutenant, with the sanction of the Treasury, may assign.

(2.) The officers of the Land Department shall discharge such duties for the Board as the Lord Lieutenant may direct, and so far as those officers are insufficient to perform the duties required by the Board, the Board may, subject to the provisions of this Act as to existing officers, employ such officers with such salaries or remuneration as the Lord Lieutenant, with the consent of the Treasury, may sanction.

(3.) *The said salaries and remuneration and the expenses of the Board, so far as they are not otherwise provided for, shall be paid out of moneys provided by Parliament.*

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Part II. Congested Districts.

Provision of moneys for purposes of Part II.

45 & 46 Vict. c. 47.
46 & 47 Vict. c. 43.

51.—(1.) For the purposes of this part of this Act, the sum of *one million five hundred thousand pounds* (in this Act referred to as the Church Surplus Grant) shall be charged on the fund under the control of the Land Department under the Irish Church Act Amendment Act, 1881 (which fund is in this Act referred to as the Irish Church Temporalities Fund).

(2.) The Land Department shall allow interest at the rate of *two and three quarters* per cent per annum on the sum so charged, or on so much thereof as has not been applied for the Guarantee Fund towards the payment of any sum required to be raised by the Lord Lieutenant by a levy upon a congested districts county.

(3.) The said interest shall be paid at such times as the Treasury direct, and shall be placed at the disposal of the Congested Districts Board for the purposes of this Act, and so far as not for the time being required for those purposes may under the directions of the Treasury be invested in securities in which trustees are for the time being authorised to invest, and the income of such investments shall be placed at the disposal of the Board as if it were the said interest on the Church Surplus Grant.

(4.) The Board shall from time to time submit to the Treasury for their approval, in such form as may be fixed by the Treasury, an estimate showing the amount proposed by the Board to be expended for the purposes of this part of this Act, whether out of the interest on the Church Surplus Grant, or the income of investments, or out of the Irish Reproductive Loan Fund, or the Sea and Coast Fisheries Fund, and the Board shall not expend any sums except in accordance with such estimate after it is approved by the Treasury.

(5.) The Treasury for the purpose of raising the Church Surplus Grant charged by this Act on the Irish Church Temporalities Fund, may borrow on the security of that fund and of the guarantee under this section such sums not exceeding in the aggregate the amount of the Church Surplus Grant and at such rate and on such terms as they think fit.

(6.) *The Consolidated Fund of the United Kingdom shall be a guarantee for the payment of the principal and interest of any sum so borrowed, and the Treasury shall from time to time issue out of the Consolidated Fund of the United Kingdom or the growing produce thereof such sums (if any) as may be necessary to give effect to such guarantee, but any money so issued shall be repaid to the Consolidated Fund out of the Irish Church Temporalities Fund.*

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(7.) Section twenty of the Arrears of Rent (Ireland) Act, 1882, and section twelve of the Tramways and Public Companies (Ireland) Act, 1883 (which provide for the payment of sums out of the Irish Church Temporalities Fund), shall be repealed.

Power for Board to accept gifts.

52. The Congested Districts Board may, if they think fit, accept any gifts of property made to them for the purposes of this part of this Act, or any of them, and may apply the same in accordance with the directions of the giver, if they consider that such directions are in accordance with the principles on which the Board apply the moneys placed at their disposal under this Act, and subject to any such directions may apply them in like manner as those moneys.

Supplemental as to Congested Districts Board.

53.—(1.) Any property given to the Board, and any investments made by or securities given to the Board may be held, made, and given by or to the Land Department, and shall be held by the Land Department in trust for the purposes of this part of this Act, or such of them, as the circumstances of the case require.

(2.) The Board shall keep such accounts of their receipts and expenditure as the Treasury direct, and those accounts shall be audited as public accounts by the Controller and Auditor-General in accordance with such regulations as the Treasury make.

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Part III. The Land Department.

PART III.

The Land Department.

Constitution and Jurisdiction.

Constitution of Land Department

54.—(1.) There shall be a Land Department for Ireland consisting in the first instance of six Land Commissioners, one or more of whom shall bear the style of Judicial Land Commissioner.

(2.) As soon as the state of business in the Land Department permits, the number of the Land Commissioners shall be reduced to three, one of whom shall be a Judicial Land Commissioner, and until the number of the Commissioners is so reduced any vacancy occurring in their number shall not be filled except on a certificate from the Lord Lieutenant to the effect that in his opinion the state of business in the Land Department requires the vacancy to be filled.

(3.) The Land Judge for the time being shall be a Judicial Land Commissioner.

(4.) Subject to the provisions of this Act with respect to the first Land Commissioners, each of the Land Commissioners other than a Judicial Land Commissioner shall be appointed by Her Majesty, and shall hold his office by the same tenure as if he were a county court judge, and shall receive such annual salary, not exceeding *two thousand five hundred pounds*, as the Treasury may assign.

(5.) Service as a Land Commissioner other than a Judicial Land Commissioner shall, in the case of a Commissioner appointed after the commencement of this Act, be deemed to be service in the permanent civil service of the State within the meaning of section seventeen of the Superannuation Act, 1859. 22 Vict. c. 29.

Officers of Land Department.

55.—(1.) Subject to the provisions of this Act, the Land Department may, with the consent of and subject to regulations by the Treasury, appoint such officers and employ such persons as may be necessary for the purposes of this Act.

(2.) Subject to the provisions of this Act with respect to existing officers, the officers of the Land Department shall receive such salaries or remuneration as the Treasury may assign, but an

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Part III. The Land Department.

officer appointed after the commencement of this Act shall not be entitled to any pension or superannuation allowance under this Act unless he has been admitted to his office with a certificate from the Civil Service Commissioners.

(3.) The power of appointing any officers of the Land Department who are not to be permanent civil servants of the Crown shall be exercisable by such persons, and subject to such conditions, as the Lord Lieutenant may, by Order in Council, with the concurrence of the Treasury, direct.

Salaries, remuneration, and fees.

56.—(1.) *The salaries and pensions of the Land Commissioners shall be charged on and paid out of the Consolidated Fund or the growing produce thereof.*

(2.) *The salaries, remuneration, and superannuation allowances of the officers of the Land Department, and such expenses (not otherwise provided for under this Act) of carrying this Act into effect as may be sanctioned by the Treasury, shall be paid out of money provided by Parliament.*

(3.) All fees received by the Land Department shall, except so far as they are in pursuance of directions of the Treasury applied as an appropriation in aid of moneys provided by Parliament for expenses under this Act, be paid into the Exchequer.

Jurisdiction of Land Department.

40 & 41 Vict. c. 57.

57.—(1.) There shall be transferred to the Land Department the jurisdiction, powers, and duties following, namely:—

(i.) The jurisdiction which was by the Supreme Court of Judicature Act (Ireland), 1877, transferred from the Landed Estates Court, Ireland, to the High Court, including the control and direction of the Record of Title Office of the Landed Estates Court, Ireland, and all powers and authorities exercised by the judges of that court or any of them under the Record of Title Act (Ireland), 1865; and

28 & 29 Vict. c. 88.

(ii.) The jurisdiction, powers, and duties of—

(*a*) the Land Judge under the Supreme Court of Judicature (Ireland) Act, 1877, or any subsequent enactment; and

(*b*) the Land Commission, or any member thereof, under any enactment.

(2.) The Treasury may from time to time, on being satisfied that the transfer to the Land Department of any of the powers or duties herein-after mentioned would be conducive to efficiency and economy, order that there be transferred to the Land Department any of the powers or duties of the Board of Works under any of the

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enactments mentioned in the Third Schedule to this Act, or any amending enactment, so far as any such enactment relates to loans for the improvement of lands in Ireland, or to the erection of farm buildings or labourers cottages, and thereupon those powers and duties shall be transferred accordingly, but the exercise and performance thereof shall be subject to the like control by the Treasury as at the commencement of this Act.

(3.) The Land Department may exercise, for the purposes of their duties under any part of this Act, any powers vested in them by virtue of the transfer of the powers of the Landed Estates Court (Ireland) and the Land Judge.

(4.) The Land Department shall not be subject to be restrained in the execution of their powers under this Act by the order of any court, nor shall any proceedings before them be removed by certiorari into any court.

Appeals.

58.—(1.) An appeal shall lie to the Land Department from any decision of a county court judge acting under any of the Land Law (Ireland) Acts, or of a sub-commission under any of those Acts.

(2.) A further appeal shall, with the consent of the Land Department, but not otherwise, lie from any decision of the Land Department on an appeal under the foregoing provisions of this section to the Court of Appeal, whose decision shall be final, but such further appeal shall not be permitted in respect of any decision as to the amount of judicial rent, or any question of value or damages, or any matter left in the discretion of the Land Department.

(3.) An appeal shall lie to the Court of Appeal from any judgment or order of a Land Commissioner acting in a matter of a judicial character or involving a question of law or a mixed question of law and of fact.

(4.) The right of appeal under this section shall be subject to the like conditions as an appeal from a judge of the High Court.

Corporate character and seal of Land Department.

59.—(1.) The Land Department shall be a body corporate with perpetual succession and a common seal, having power to acquire land for the purpose of any enactment under which the Land Department is for the time being authorised to act.

(2.) Judicial notice shall be taken of the official seal of the Land Department, and any instrument purporting to be sealed therewith shall for all purposes be admissible in evidence, and, if a copy, shall be admissible in like manner as the original.

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Part III. The Land Department.

(3.) An order of the Land Department may be under their common seal, and authenticated in the prescribed manner.

Transaction of business by Land Department

60.—(1.) For the purpose of fixing under this Act the price and value of interests in holdings, and of granting or refusing advances, and of ordering sales of holdings, the Land Department shall act by not less than two of the Land Commissioners.

(2.) For the purpose of hearing any appeal from a decision of a county court acting under any of the Land Law (Ireland) Acts, or of a sub-commission under any of those Acts, the Land Department shall act by a Judicial Land Commissioner and two other Land Commissioners according to a rota to be fixed by the Lord Lieutenant, and the Judicial Land Commissioner shall preside.

(3.) Provided that in the event of the illness or unavoidable absence of any Land Commissioner other than a Judicial Land Commissioner, any such appeal may be heard and determined by two Commissioners only.

(4.) Subject to the provisions of this Act, the Land Department may act by any one or more of the Land Commissioners.

(5.) Subject to the provisions of this Act, the performance and exercise of the duties, powers, and business of the Land Department shall be distributed among the Land Commissioners in such manner as the Lord Lieutenant in Council may direct, so however that, so far as practicable, matters which in the opinion of the Judicial Land Commissioners are of a judicial character or involve any question of law shall be assigned to them.

(6.) The Land Department may act notwithstanding any vacancy in their number.

Provision for absence of Judicial Land Commissioners. [*See* 51 & 52 Vict. c. 25. s. 5.]

61.—(1.) If and when any Judicial Land Commissioner is temporarily unable to attend, or his office is vacant, the Lord Chancellor may nominate any judge of the High Court to act as Judicial Land Commissioner during the absence or vacancy, as the case may be, and the judge so nominated shall for the purpose of any case which he may hear be a Judicial Land Commissioner.

(2.) A judge of the High Court appointed before the first day of January one thousand eight hundred and eighty-eight shall not, without his own consent, be nominated under this section.

Construction of Acts and documents.

62. In the construction and for the purposes of any Act of Parliament, contract, or other document, but so far only as may be necessary for exercising the jurisdictions and powers and discharging the duties by or under this Act transferred to and vested in the Land

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Department, the name of that department shall, according to circumstances, be deemed to be substituted for the Land Judge, the Land Commission, the Board of Works, or any judge assigned under section nineteen of the Purchase of Land (Ireland) Act, 1885, to discharge the duties therein mentioned, as the case may require; and any act or thing which might, if this Act had not passed, have been done by either of the said judges, the Land Commission, or the Board of Works, so far as relates to the jurisdictions, powers, and duties transferred by or under this Act, may, subject to the provisions of this Act, be done by the Land Department.

48 & 49 Vict. c. 73.

Transitional and Temporary Provisions.

First members of Land Department.

63.—(1.) The person who is at the commencement of this Act the Judicial Commissioner of the Land Commission appointed under the Land Law (Ireland) Act, 1881, shall be a Judicial Land Commissioner in addition to the Land Judge.

44 & 45 Vict. c. 49.

(2.) The other first Land Commissioners shall be the persons who are at the commencement of this Act the Commissioners of the Land Commission appointed under the Land Law (Ireland) Act, 1881, (other than the Judicial Commissioner), and the additional Commissioners of the Land Commission appointed under the Purchase of Land (Ireland) Act, 1885.

44 & 45 Vict. c. 49.

48 & 49 Vict. c. 73.

(3.) Each of the first Judicial Land Commissioners shall continue to have the same rank, to hold his office by the same tenure, and to be entitled to the same salary and pension as if this Act had not passed, and he had continued to hold the office held by him at the commencement of this Act.

(4.) Each of the other first Land Commissioners shall hold his office by the same tenure as if he had been appointed after the commencement of this Act, *and shall be entitled either to a salary of two thousand five hundred pounds and the like pension or superannuation allowance as if his service as Land Commissioner under any previous Act and under this Act were service in the permanent Civil Service of the State within the meaning of section seventeen of the Superannuation Act,* 1859, *or to a salary of three thousand pounds without any pension or superannuation allowance.*

(5.) Nothing in this Act shall require the person who is the Land Judge at the commencement of this Act to perform as

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Land Commissioner any duties other than such as are analogous to those performed by him before the commencement of this Act.

Provisions as to vacancies.

64.—(1.) If the state of business in the Land Department requires the filling of a vacancy in the office of the Judicial Land Commissioner other than the Land Judge, the Lord Lieutenant may nominate, with his consent, a judge of the High Court to fill the vacancy, and the judge so nominated shall be a Judicial Land Commissioner as successor to the Commissioner whose office is vacated.

(2.) But if the Lord Lieutenant fails to obtain such consent it shall be lawful for Her Majesty to fill the vacancy by appointing as successor to the Commissioner whose office is vacated a person being or having been a county court judge or being a practising barrister at the Irish bar of not less than ten years standing; and the person so appointed shall forthwith on his appointment become an additional judge of the Supreme Court, with the same rank, salary, tenure of office, and right to retiring pension as if he had been appointed a judge of the High Court. He may be required by order of the Lord Lieutenant in Council to perform any duties which a judge of the High Court is for the time being required to perform, but unless so required shall not be bound to perform any of those duties.

In the event of such last-mentioned appointment being made, the number of judges of the High Court at the commencement of this Act shall be reduced by one, by not filling up the next succeeding vacancy among the judges attached to such division of the High Court as the Lord Lieutenant may direct.

Transfer of officers.

65.—(1.) There shall be transferred and permanently attached to the Land Department the secretary and solicitor of the Land Commission, and such of the officers of the High Court and persons employed under the Board of Works in or about the execution of any powers and duties transferred by or under this Act from the Land Judge or Board of Works to the Land Department as the Lord Lieutenant, with the concurrence of the Treasury, may determine.

(2.) All other persons who are at the commencement of this Act employed under the Land Judge and the Land Commission, including the assistant commissioners appointed under section forty-three of the Land Law (Ireland) Act, 1881, shall be temporarily transferred and attached to the Land Department, but shall

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not be attached thereto permanently until a scheme has been framed in pursuance of this Act for determining what persons, including Assistant Commissioners, are required for the permanent organisation of the official staff of the Land Department.

(3.) The Lord Lieutenant and the Land Department, with the concurrence of the Treasury, shall, *within one year from the passing of this Act*, frame a scheme for determining what persons (including Assistant Commissioners) are required for the organisation of the official staff of the Land Department, and which of the persons temporarily transferred to the Land Department in pursuance of this Act are to continue to be attached thereto either permanently or temporarily, and for amalgamating any offices which appear capable of being combined, and for abolishing any office which appears to them to be unnecessary, and for reducing, or, in case of additional duties, increasing the salary of any officer, and for altering the designation and duties of any office, and for determining what reductions may be made in the staff of the High Court or Board of Works by reason of any transfer of powers or duties by or under this Act, and for assigning officers of the Land Department to perform duties temporarily or otherwise under or in connexion with the Congested Districts Board.

(4.) The Land Department as respects their own department, and the Lord Lieutenant as respects the Board, may distribute the business of the Department and Board amongst the several persons transferred to the Department in pursuance of this Act in such manner as they or he may think right, and those persons shall perform such duties in relation to that business as may be directed by the Department or Lord Lieutenant.

(5.) Such of the officers of the Land Commission as are permanently attached to the Land Department in pursuance of this section, and as are not at the date of being so attached permanent civil servants of the Crown, shall, as from that date, become and be such permanent civil servants, and their respective periods of service under the Land Commission or under the Commissioners of Church Temporalities in Ireland shall be taken into account for all purposes of superannuation allowance, and they may, subject to the approval of the Treasury, receive a superannuation allowance on retirement, although they may not have obtained certificates from the Civil Service Commissioners.

(6.) If a vacancy occurs in any office which is at the commencement of this Act under or attached to the Land Judge or the Land Commission, the vacancy shall not, without the concurrence

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of the Treasury, be filled until the expiration of one month from its occurrence; and the Land Department may, with the like concurrence, postpone filling any such vacancy for any period not longer than *one year from the commencement of this Act*, and make such provision as may appear to be necessary or proper for the temporary discharge of the duties of the office.

(7.) All officers who have heretofore been attached to the Land Judge and appointed by that Judge, or will hereafter be attached to that Judge, shall be appointed by the person who is the Land Judge at the commencement of this Act.

Pending proceedings.

66. Subject to rules under this Act, all proceedings which are pending before any person at the commencement of this Act, and in respect of which that person exercises or performs any jurisdiction, powers, or duties transferred by this Act to the Land Department, shall be transferred to the Land Department, and may thereupon be continued and concluded as if they had been originally instituted before the Land Department.

Transfer of property.

67.—(1.) All property, rights, and interests which are at the commencement of this Act vested in the Land Judge as such, in the Land Commission, or in the Board of Works in relation to any loans for the improvement of land in Ireland, or to the erection of farm buildings or labourers cottages, shall, as from the commencement of this Act, be vested in the Land Department, and be held and exercised to, on, and for the same uses, trusts, and purposes, and subject to the same rights, as at the commencement of this Act.

(2.) The Bank of Ireland and all other persons and authorities shall make any entry or transfer required for giving effect to this section, and the Bank of Ireland shall, on requisition in writing from the Land Department, cause to be transferred to the account of the Land Department any bank annuities standing in the books of the Bank of Ireland in the name of the Accountant-General of the Supreme Court of Judicature in Ireland in pursuance of the order of any judge whose jurisdiction is transferred by this Act.

(3.) All books documents and papers which are in the possession of any person whose jurisdiction, powers, or duties are by this Act transferred to the Land Department, or of any person attached to or employed under any such person by reason of his being so attached or employed, and which relate to the jurisdiction, powers, and

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duties so transferred as aforesaid, shall be transferred to the Land Department, and be dealt with in such manner as the Land Department by order direct, and any person who fails to comply with any order made for the purpose of giving effect to this section shall be guilty of a contempt of court.

(4.) For the purposes of this section any property, right, or interest vested in or made exerciseable by any predecessor of the existing Land Judge for the purpose or in the course of his duties as such judge, whether by his official name or otherwise, shall be deemed to be vested in the Land Judge as such.

Abolition of offices of Commissioner of Valuation and General Boundary Surveyor and transfer of duties.

68. On the occurrence of the first vacancy in the offices of Commissioner of Valuation and General Boundary Surveyor those offices shall be abolished, and the jurisdiction, powers, and duties vested in, imposed on, or exerciseable by those officers shall be transferred to, vested in, and imposed on the Land Department, and thereupon the provisions of this Act with respect to the construction of Acts and documents, and the transfer of officers and property, and pending proceedings, shall, as nearly as may be, apply as if references in those provisions to the Land Commission included references to those officers.

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Part IV. Supplemental.

PART IV.

SUPPLEMENTAL.

Power to make rules.

69.—(1.) The Lord Lieutenant may, by Order in Council, on the recommendation of a majority of the Land Commissioners, which majority shall include a judicial Land Commissioner, make rules for prescribing anything authorised by this Act to be prescribed, and generally for carrying into effect the provisions of this Act, and, amongst other things, for fixing and regulating the costs and fees to be charged in the Land Department, including the costs to be allowed to solicitors in respect of business transacted therein, and for taxing any such costs as aforesaid, and for fixing the fees, remuneration, and expenses to be allowed to witnesses and valuers, and for regulating the procedure to be observed and forms to be used with respect to any matters within the jurisdiction of the Land Department.

(2.) The assent of the Treasury shall be necessary for any rules relating to fees or involving the expenditure of public money.

(3.) All rules made under this section shall be laid before both Houses of Parliament and shall be judicially noticed, and shall, while in force, have effect as if enacted by this Act.

Ascertainment of net and gross annual value.

70.—(1.) For the purpose of a sale under this Act the net annual value of the interest which a tenant agrees to buy in a holding shall be the gross annual value thereof, after deducting the average annual amount payable by the landlord, during the *five years* next before the date of the agreement for sale, for poor rate and grand jury cess; and the gross annual value of the said interest shall be the annual rent of the holding at the date of the agreement for sale.

(2.) The landlord and tenant may, by the agreement for sale, whether the price is or is not referred by such agreement to the Land Department, agree to refer to that Department the net annual value of the said interest, and in that case the net annual value shall be such as the Land Department determine.

Person entitled as landlord to sell under Act.

71.—(1.) A landlord who is a tenant for life or a person having the powers of a tenant for life within the meaning of the Settled Land Acts, 1882 to 1887, may sell under Part One of this Act without any notice to trustees, and such sale shall, subject to the express provisions of this Act, be deemed to be a sale under those Acts.

(2.) Any persons entitled to an estate as trustees for sale, or trustees with a power of sale, also any body corporate, trustees

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for charities, commissioners, or trustees for collegiate or other public purposes, shall have the same power of selling under this Act as if they were private individuals, subject nevertheless to the provisions of this Act respecting the disposal of the purchase money, and subject also to such consent (if any) as would be required in the case of a sale independently of this Act.

(3.) A landlord holding land under a lease for lives or years renewable for ever or for a term of years of which not less than *one hundred* are unexpired at the time of a sale may sell under this Act as if he were owner of the fee simple and inheritance of such land, subject nevertheless to the provisions of this Act, but a landlord having any less interest shall not save as otherwise provided by this Act be able to sell under this Act.

Interpretation of terms.

72.—(1.) In this Act, unless the subject or context otherwise requires:—

The expression "Lord Chancellor" includes Lords Commissioners of the Great Seal of Ireland:

The expression "Land Judge" means the Land Judge of the Chancery Division of the High Court:

The expression "Local Government Board" means the Local Government Board for Ireland.

The expression "Board of Works" means the Commissioners of Public Works in Ireland:

The expression "Land Commission" means the Irish Land Commission.

The expression "prescribed" means prescribed by rules made in pursuance of this Act:

The expression "Irish probate duty grant" means the sums which but for this Act would under section two of the Probate Duties (Scotland and Ireland) Act, 1888, be paid in respect of the probate duty grant to the Local Taxation (Ireland) Account. 51 & 52 Vict. c. 60.

The expression "Local Taxation (Ireland) Account" means the account to which that name is given in the last-mentioned Act.

The expression "estate" means in the case of any provision of this Act any lands in the ownership of the same landlord which the Land Department may declare to be proper to be treated as an estate for the purposes of the said provision:

The expression "head rent" means any Crown rent, quit-rent, fee farm rent, or any rent or rentcharge not being the rent payable by a tenant in possession of a holding, and not being

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tithe rentcharge or a land improvement or drainage charge or other like charge, and includes any money payable in lieu of any service or manorial right or renewal or other fines.

The expression "easements" includes profits à prendre:

The expression "costs" includes charges and expenses: 5

The expression "county" means, in the case of a county divided into ridings with separate grand juries, each riding:

The expression "assizes" includes a presenting term, and the expression "judge of assize" includes a judge of the High Court, and the expression "County Treasurer" includes a Finance Committee or other persons exercising the functions of County Treasurer: 10

The expression "rateable value," when used in relation to any hereditament or area, means the annual rateable value under the Irish Valuation Acts of such hereditament or of the hereditaments comprised in such area: 15

The expression "population" means population according to the last published census for the time being:

The expression "local grants" means grants made in aid of local taxation or for local purposes out of moneys provided by Parliament, and any reference to the purposes or account for or on which grants are made shall be construed according to the terms of the estimates for such grants laid before the House of Commons and the heads of account therein mentioned. 20 25

33 & 34 Vict. c. 46. 44 & 45 Vict. c. 49. 46 & 47 Vict. c. 43. 48 & 49 Vict. c. 73. 50 & 51 Vict. c. 33. 51 & 52 Vict. c. 49. 52 & 53 Vict. c. 13.

The expression "The Land Law (Ireland) Acts" means the Landlord and Tenant (Ireland) Act, 1870, the Land Law (Ireland) Act, 1881, Part II. of the Tramways and Public Companies (Ireland) Act, 1883, the Purchase of Land (Ireland) Act, 1885, the Land Law (Ireland) Act, 1887, the Purchase of Land (Ireland) Amendment Act, 1888, and the Purchase of Land (Ireland) Amendment Act, 1889. 30

33 & 34 Vict. c. 46. 35 & 36 Vict. c. 32. 44 & 45 Vict. c. 49. 46 & 47 Vict. c. 43. 48 & 49 Vict. c. 73. 50 & 51 Vict. c. 33. 51 & 52 Vict. c. 49. 52 Vict. c. 13.

The expression "Purchase of Land (Ireland) Acts" means the Landlord and Tenant (Ireland) Act, 1870 (Parts II. and III.), the Landlord and Tenant (Ireland) Act, 1872, the Land Law (Ireland) Act, 1881 (Part V.), the Tramways and Public Companies (Ireland) Act, 1883 (Part II.), the Purchase of Land (Ireland) Act, 1885, the Land Law (Ireland) Act, 1887 (Part II.), the Purchase of Land (Ireland) Amendment Act, 1888, and the Purchase of Land (Ireland) Amendment Act, 1889: 35 40

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The expression "Purchase of Land (Ireland) Acts, 1885 and 1888," means the Purchase of Land (Ireland) Act, 1885, and the Purchase of Land (Ireland) Amendment Act, 1888.

48 & 49 Vict. c. 73.
51 & 52 Vict. c. 49.

Repeal of enactments.

73. The enactments described in the Fourth Schedule to this Act are hereby repealed, to the extent appearing in the third column of that schedule.

Provided that the repeal of the enactments described in the second part of that schedule shall not take effect until the abolition of the offices of Commissioner of Valuation and General Boundary Surveyor.

Commencement of Act.

74. This Act shall come into operation on the *first day of November, one thousand eight hundred and ninety.*

Provided that the Lord Lieutenant by Order in Council may, if it seems to him expedient, suspend the operation of Part Three of this Act until such date as he may fix, not later than the first day of January one thousand eight hundred and ninety-one; and, in that case, any reference in the other parts of this Act to the Land Department shall be construed to refer to the Irish Land Commission.

Short title.

75. This Act may be cited as the Purchase of Land (Ireland) Act, 1890.

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SCHEDULES.

FIRST SCHEDULE.

Part One.

Counties of Cities and Towns included in Counties.

Names.	Counties in which included.
County of the city of Kilkenny - - -	Kilkenny.
County of the town of Carrickfergus - -	Antrim.
County of the town of Galway - - -	Galway.
County of the town of Drogheda - -	Louth.
County of the city of Waterford - - -	Waterford.

Part Two.

Counties of Cities and Towns to which the Act does not apply.

Dublin.
Cork.
Belfast.
Limerick.
Londonderry.

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SECOND SCHEDULE.

PORTIONS OF THE LANDED ESTATES COURT ACT, THE LAND LAW (IRELAND) ACT, 1881, THE PURCHASE OF LAND (IRELAND) ACT, 1885, THE LAND LAW (IRELAND) ACT, 1887, THE PURCHASE OF LAND (IRELAND) AMENDMENT ACT, 1888, AND THE PURCHASE OF LAND (IRELAND) AMENDMENT ACT, 1889, WHICH ARE APPLIED BY PART ONE OF THIS ACT.

Landed Estates Court Act (21 & 22 *Vict. c.* 72.).

Section 69

Landed Estates Court Act. (21 & 22 Vict. c. 72).

No payment not being in full, to affect right of incumbrancer for balance, and no payment in respect of any incumbrance to impair remedy over.

69. * * * * no payment under this Act, towards discharge of what shall be due on any incumbrance or charge, not being payment in full, shall prejudice or affect any right or remedy of the incumbrancer or the person entitled to the charge in respect of the balance, otherwise than against the land, or part thereof, sold under this Act; and no payment under this Act for or in respect of any incumbrance or charge, shall impair any right or equity of any persons out of whose estate such payment shall be made to be reimbursed or indemnified by any person or out of any other land or estate, except so far as the court under any special circumstances shall order.

Section 72.

* * * * * *

after * apportionment, the owners of the reversion in the respective lands shall have the like remedies for the apportioned rents against the lands out of which the same shall be payable, and the owners and occupiers thereof respectively, as were subsisting for the entire rent before such apportionment, and all the covenants, conditions, and agreements of every lease or under-lease, except as to the amount of rent to be paid, shall, a regards the apportioned parts, remain in force in the same manner as they would have done in case no such application had taken place.

Section 73.

Provisions for persons under disability.

73.—Where any person who (if not under disability) might have made any application, given any consent, done any act, or been party to any proceedings under this Act, shall be a minor, idiot, lunatic, or married woman, the guardian, committee of the estate, and husband respectively of such person may make such applications, give such consents, do such acts, and be party to such proceedings, as such persons respectively, if free from disability, might have made, given, done, or been party to, and shall otherwise represent such person for the purposes of this Act; but a married woman entitled for her separate use (with or without power of anticipation), shall, for the purposes of this Act, be deemed a feme sole: Provided always, that where there shall be no guardian or

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Landed Estates Court Act. (21&22 Vict. c. 72).

committee of the estate of any such person as aforesaid being infant, idiot, or lunatic or where any person, the committee of whose estate, if he were an idiot or lunatic, would be authorised to act for and represent such person under this Act, shall be of unsound mind, or incapable of managing his affairs, but shall not have been found idiot or lunatic under an inquisition, it shall be lawful for the court to appoint a guardian of such person for the purpose of any proceedings under this Act, and from time to time to change such guardian; and where the court sees fit it may appoint a person to act as the next friend of a married woman for the purpose of any proceeding under this Act, and from time to time remove or change such next friend.

Section 76.

Proceedings not to abate by death.

76. Proceedings under this Act shall not abate or be suspended by any death or transmission, or change of interest, but in any such case of death or transmission, or change of interest, it shall be lawful for the court, where it shall see fit, to require notices to be given to persons becoming interested, or to make any order for discontinuing, suspending, or carrying on the proceedings or otherwise in relation thereto, which to it may appear just.

Land Law (Ireland) Act, 1881 (44 & 45 *Vict. c.* 49.).

Section 30.

Land Law (Ireland) Act, 1881. (44&45 Vict. c. 49).

Conditions annexed to holdings whilst subject to advances.

30.—(1.) As between the land commission and the proprietor for the time being of any holding for the purchase of which the land commission have advanced money in pursuance of this part of this Act, the following conditions shall be imposed so long as such holding is subject to any charge in respect of an annuity in favour of the land commission; (that is to say,)

(*a*) The holding shall not be subdivided or let by such proprietor without the consent of the land commission until the whole charge due to the land commission has been repaid:

(*b*) Where the proprietor sub-divides or lets any holding or part of a holding in contravention of the foregoing provisions of this section, the land commission may cause the holding to be sold:

(*c*) Where the title to the holding is divested from the proprietor by bankruptcy, the land commission may cause the holding to be sold:

(*d*) Where, on the decease of the proprietor, the holding would by reason of any devise, bequest, intestacy, or otherwise, become sub-divided the land commission may require the holding to be sold within twelve months after the death of the proprietor to some one person, and if default is made in selling the same, the land commission may cause the same to be sold.

* * * * * *

Section 34.

* * * * * *

(5.) The Land Commission shall * * * * * * in making advances, in dealing with the funds that come into their possession, and in accounting for the same, and generally in the performance of their duties under this part of this Act, conform to any directions, whether given on special occasions or by

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Land Law (Ireland) Act, 1881. (44 & 45 Vict. c. 49).

general rule or otherwise, which may from time to time be given to them by the Treasury, and shall from time to time report as the Treasury may direct all matters which may be transacted by the Land Commission.

* * * * * *

5 *Section* 48.

* * * * * *

(5.) The land commission may review and rescind or vary any order or decision previously made by them, or any of them; but save as by this Act provided every order or decision of the said commission shall be final: Provided
10 always, that any order or decision made by three members of the land commission shall not be reviewed, rescinded, or varied, except by three members of the land commission.

* * * * * *

Section 55.

15 55. The land commission shall once in every year * * * make a report to the Lord Lieutenant as to their proceedings under this Act, and every such report shall be presented to Parliament.

Annual report by land commission.

Section 56.

56. The land commission shall, from time to time, prepare in such form and
20 at such times as the Treasury from time to time direct accounts of their receipts and expenditure, and within six months after the expiration of the year to which the accounts relate, the land commission shall transmit the same to the Controller and Auditor General to be audited, certified, and reported upon in conformity with the regulations from time to time made by the Treasury for
25 that purpose, and the accounts, with the reports of the Controller and Auditor General thereon, shall be laid before the House of Commons, not later than three months after the date on which they were transmitted for audit if Parliament be then sitting, and if not sitting within fourteen days after Parliament next assembles.

Audit of account of land commission.

30 Provided, that the regulations made by the Treasury under this section, shall be laid before the House of Commons within one month of the date thereof, if Parliament be then sitting, and, if not, then within fourteen days after Parliament next assembles, and that such regulations shall not have effect until they have lain for thirty days upon the Table of the House.

35 *Section* 57.

57. In the construction of this Act, the following words and expressions shall have the meaning hereby assigned to them, unless there be something in the context repugnant thereto; that is to say,

Definitions.

* * * * * *

40 "Contract of tenancy" means a letting or agreement for the letting of land for a term of years or for lives, or for lives and years, or from year to year:

"Tenant" means a person occupying land under a contract of tenancy, and includes the successors in title to a tenant:

* * * * * *

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Land Law (Ireland) Act, 1881. (44 & 45 Vict. c. 49).

"Landlord" means the immediate landlord or the person for the time being entitled to receive the rents and profits, or take possession of the land held by his tenants, and includes the successors in title to a landlord.

"Holding" during the continuance of a tenancy means a parcel of land held by a tenant of a landlord, for the same term and under the same contract of tenancy, and, upon the determination of such tenancy, means the same parcel of land discharged from the tenancy: 5

* * * * * *

Purchase of Land (Ireland) Act, 1885. (48 & 49 Vict. c. 73.)

Purchase of Land (Ireland) Act, 1885 (48 & 49 *Vict. c.* 73).

Section 11. 10

Powers of the Land Commission for the partition of land held in common, &c. 21 & 22 Vict. c. 72.

11. Where land to be sold under this Act is held by tenants in common or rundale or intermixed plots, it shall be lawful for the Land Commission, upon the application of either landlord or tenant, or if it shall seem expedient to the said Land Commission, to make orders for the partition, exchange, or division of such land, and the provisions of the seventy-ninth to the eighty-second sections inclusive of the Landed Estates Court Act shall apply to such partitions, exchanges, and divisions. 15

Section 12.

Appropriation of income and capital money.

12. When the capital money arising from any sale under this Act is retained by the Land Commission, the income thereof shall be paid by them to the vendor or other person entitled thereto. 20

The Land Commission shall make orders for the payment of such purchase money to any persons found by the Land Commission to be entitled thereto.

Save as expressly provided by this Act, nothing herein contained shall affect the rights of any incumbrancer, or other person interested in any estate or holding sold, to the capital money arising from such sale. 25

Section 13.

Appointment of trustees; purchase of rents, &c., by the Land Commission.

13. When the tenant for life of any settled land, or a person having the power of a tenant for life, is desirous to sell the land, or any part, to the Land Commission, and there are no trustees of the settlement for the purposes of the Settled Land Act, 1882, or it is expedient that new trustees should be appointed, it shall be lawful for the Land Commission to appoint fit persons to be trustees of the settlement for the purposes of that Act. 30

Section 14.

* * * * * * 35

Sales to be for a gross sum. Stamp duty.

The Land Commission shall register in the Registry of Deeds in Dublin all vesting orders executed by them under this Act,

* * * * * *

No charge shall be made in respect of any investigation by the Land Commission of the title of either the vendor or the purchaser of any holding. 40

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Purchase of Land (Ireland) Act, 1885. (48 & 49 Vict. c. 73).

Section 26.

26. In this Act, unless there is something in the context repugnant thereto—

* * * * * *

Interpretation.

The expression "tenant" shall include a tenant holding under a fee-farm grant.

The expression "the Landed Estates Court Act" means the Act of the session of the twenty-first and twenty-second year of the reign of Her present Majesty, chapter seventy-two, intituled "An Act to facilitate the "sale and transfer of land in Ireland," as amended by any Act or Acts.

Land Law (Ireland) Act, 1887 (50 & 51 *Vict. c.* 33.).

Land Law (Ireland) Act, 1887. (50 & 51 Vict. c. 33).

Section 4.

Subletting to labourers and others.

4. A tenant shall for the purpose * * * * of this Act, be deemed to be in bonâ fide occupation of his holding, notwithstanding that he has sublet part thereof, provided the subletting is for the use of a labourer or labourers bonâ fide employed and required for the cultivation of the holding, and the court deems such subletting reasonable, and sanctions the same. The land comprised in each such letting shall not exceed half an acre in extent, and the court shall have regard to the size and character of the holding

* * * * * *

A tenant may also be deemed in occupation of his holding notwithstanding that part is sublet, where the subletting is of a trivial character, and the court deems the tenant to be substantially in occupation of the holding * * * * This section shall not apply to a subletting made by a tenant during a statutory term nor to a subletting made after the passing of this Act.

Section 10.

Investment of guarantee deposit. 48 & 49 Vict. c. 73.

45 & 46 Vict. c. 38.

10. A guarantee deposit * * * * may, on the application of * * * * any person for the time being interested in it, be invested by the Land Commission in the same investments in which it might have been invested under the direction of the High Court, if it had been capital money arising under the Settled Land Act, 1882, and paid into court, or in any securities in which trustees are by law for the time being authorised to invest trust moneys; and the interest thereof may be paid by the Land Commission to the person entitled thereto.

Section 13.

Duty of Land Commission with respect to enforcement of arrears.

13. * * * * In addition to any other remedy provided by the Land Law (Ireland) Acts, every annuity payable thereunder to the Land Commission, * * * * shall be recoverable by the Land Commission in the manner in which rentcharges in lieu of tithes are recoverable in Ireland.

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Land Law (Ireland) Act, 1887. (50 & 51 Vict. c. 33).

Expediting proceedings on sales. 45 & 46 Vict. c. 38.

Section 14.

14. * * * * Where the purchase money or any part of it is not immediately distributable, or the persons entitled thereto are not ascertained, or where from any other cause the Land Commission think it expedient for the protection of the rights of the persons interested, then the Land Commission shall, as the case requires, either retain the same under their control or deal with the same in the manner provided by the Settled Land Act, 1882, with respect to capital money arising under that Act, and may by order declare the trusts affecting such money or share, so far as the Land Commission have ascertained the same, or state the facts or matters found by them in relation to the rights and interests therein; and the Land Commission may from time to time make such orders in relation to any purchase money or share and the investment or application thereof, or the payment thereof, or the annual income thereof to the persons interested, as the circumstances of the case may require.

* * * * * * *

(3.) Any person in occupation of and paying rent for a holding which is held under a contract of tenancy, shall have power to enter into an agreement for the purchase thereof.

Section 15.

Crown rents, quitrents, and tithe rentcharge.

15.—(1.) When any land sold under the Land Law (Ireland) Acts is subject with other lands to any Crown rent, quitrent, or tithe rentcharge, the Land Commission may * * * * apportion such Crown rent, quitrent, or tithe rentcharge, between the land sold and the other land, in such manner as to them seems equitable; and when any such land is subject with other lands to any land improvement charge or drainage charge, the Commissioners of Public Works, on the requisition of the Land Commission, may apportion the same between the land sold and other lands, and may issue a certificate setting forth such apportionment.

Upon any apportionment being made under this section, such portion of the rent or rentcharge or charge as is apportioned to the land sold shall alone be deemed to be the Crown rent, quitrent, tithe rentcharge, or drainage charge chargeable on the land sold.

(2.) The Land Commission may, if they think it expedient, order the redemption of any Crown rent, quitrent, or tithe rentcharge, or any apportioned part thereof, at a price to be fixed by the Land Commission. They may also, if they think it expedient, order the redemption of any land improvement charge or drainage charge or apportioned part thereof in accordance with the scale fixed by the statutes in that behalf.

(3.) No such * * * * * redemption of Crown or quit-rent shall be made without the previous consent of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues; and no such * * * * redemption of land improvement charge or of drainage charge payable to the Commissioners of Public Works, or redemption of tithe rentcharge payable to the

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Land Commission, shall be made without the previous consent of the Commissioners of the Treasury.

A.D. 1890.

Land Law (Ireland) Act, 1887 (50 & 51 Vict. c. 33).

For the purpose of this section, the Commissioners of the Treasury may from time to time make rules for regulating the mode of giving consents, and the terms upon which consents shall be given.

When any such land sold is subject with other lands to any incumbrance as defined by this Act, the Land Commission may, if they think it expedient, require the persons entitled to such incumbrance to accept the money advanced for the purchase of the land sold in part discharge of the incumbrance. * * *

Section 16.

Apportionment and redemption of annuities and charges.

16.—(1.) When any land sold under the Land Law (Ireland) Acts is subject with other lands to any annuity or rentcharge, the Land Commission may * * * * by order apportion the same as between such land and the other lands subject thereto, and thereupon such part of the annuity or rentcharge as is apportioned on the land to be sold shall alone be deemed to be the annuity or rentcharge chargeable on such land.

(2.) When the Land Commission exercise the power of apportionment conferred on them by this section, * * * * then the part of an annuity, rentcharge, or rent which is apportioned upon any land sold shall cease to be a charge upon the land, and shall be transferred to the purchase money thereof. * * * *

(3.) The Land Commission shall, on the application of the person entitled to a part of an annuity, rentcharge, or rent, which part shall have been apportioned by them, upon land sold, and may, if they think it expedient, without such application, order the redemption of such annuity, rentcharge, or rent, or of an apportioned part thereof, and may, notwithstanding the fact that no apportionment has been made, order the redemption of any annuity, rentcharge, or rent affecting land sold, at a price to be fixed by agreement between the parties, or to be determined by the Land Commission, if the parties consent that the Land Commission should determine it, or if they do not consent, then to be settled by arbitration in manner provided by the twenty-fifth section and the schedule of the Landlord and Tenant (Ireland) Act, 1870; the award of the Court of Arbitrators shall be recorded in the Court of the Land Commission, and the provisions relating to the Civil Bill Court, in the said schedule contained, shall, for the purposes of this section, be taken to apply to the Land Commission.

A person who is tenant for life of an estate in any annuity, rentcharge, or rent to which this section applies, or who has, as respects such annuity, rentcharge, or rent, the power of a tenant for life within the meaning of the Settled Land Act, 1882, shall be deemed to be a person entitled thereto; and if such annuity, rentcharge, or rent is redeemed under this section, the purchase money shall be dealt with as capital moneys arising under the said Act.

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Land Law (Ireland) Act, 1887 (50 & 51 Vict. c. 33).

Priority of charge for advance.

Section 20.

20. * * * * A certificate purporting to be under the seal of the Land Commission, or the Commissioners of Public Works, as the case may be, shall be evidence that the amount of any annuity or arrears of annuity stated therein to be due under any of the said Acts in respect of any holding named therein, is due to the Land Commission or the Commissioners of Public Works, as the case may be in respect of such holding.

Section 21.

Writ of possession.

21. When any holding is sold by or at the suit of the Land Commission, the Land Commission may, on the application of any purchaser, issue an order to the sheriff to put such purchaser in possession of the holding, or part thereof, purchased by him, and such order shall be executed by the sheriff in like manner as a writ for the delivery of possession.

Section 23.

Amendments of 48 & 49 Vict. c. 73. ss. 10 and 13.

23. * * * * * * * * * * * the power of appointing new trustees given by the thirteenth section of the Purchase of Land (Ireland) Act, 1885, shall extend to all cases in which it may be necessary to appoint new trustees for the purposes of any sale * * * * * * * * * * * *

Section 34.

Definitions.

34. In this Act unless the context otherwise requires—

* * * * * *

The expression "writ of possession" includes a decree for possession:

The expression "incumbrance" means any legal or equitable mortgage in fee, or for any less estate, and also any money secured by a trust, and also any legacy, portion, lien, or other charge, whereby a gross sum of money is secured to be paid on any event or at a time certain, and also any annual or periodical charge which, by the instrument creating the same, or any other instrument, is made purchasable on payment of a gross sum of money, and every other charge on land which is deemed an incumbrance in a court of equity, and which a court would discharge by a sale of the land charged, or by the appointment of a receiver over the same:

32 & 33 Vict. c. 42.

The expression "tithe rentcharge" includes any annual sum payable to the Land Commission under the thirty-second section of the Irish Church Act, 1869, as amended by any Act or Acts:

10 & 11 Vict. c. 32.

The expression "land improvement charge" includes any charge for land improvement loans payable to the Commissioners of Public Works in Ireland under the Act of the session of the tenth and eleventh years of the reign of Her present Majesty, chapter thirty-two, intituled "An Act to facilitate the Improvement of Landed Property in Ireland," and the Acts amending the same:

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Land Law (Ireland) Act, 1887 (50 & 51 Vict. c. 33).

The expression "drainage charge" includes any charge for drainage loans payable to the said Commissioners under the same Act and Acts amending it, or under the Act of the session of the fifth and sixth years of the reign of Her present Majesty, chapter eighty-nine, or any subsequent Act; and also any charge payable to the Drainage Board of a Drainage District under the Drainage and Improvement of Land Act (Ireland), 1863, and the Acts amending the same:

5 & 6 Vict. c. 89.

26 & 27 Vict. c. 88.

* * * * * *

Purchase of Land (Ireland) Amendment Act, 1888 (51 & 52 *Vict. c.* 49.).

Purchase of Land (Ireland) Amendment Act, 1888. (51 & 52 Vict. c. 49).

Section 4.

4. Where the Land Commissioners after the passing of this Act shall sanction an advance for the purchase of a holding which is agreed to be sold subject to a sub-tenancy or subletting of any kind, they may prescribe such terms as to rent and otherwise with regard to the part sublet as they think fit.

Sub-letting.

Purchase of Land (Ireland) Amendment Act, 1889 (52 & 53 *Vict. c.* 13.).

Purchase of Land (Ireland) Amendment Act, 1889 (52 & 53 Vict. c. 13).

Section 1.

1. Where the sale of a holding is about to be made by a landlord to a tenant under the Purchase of Land (Ireland) Act, 1885, and the Acts amending the same, and such tenant is desirous of purchasing additional land which either adjoins such holding or is in the opinion of the Land Commission under the special circumstances of the case reasonably required for the suitable and convenient use and enjoyment of such holding, the Land Commission may, if it thinks fit, advance to the tenant, for the purpose of purchasing such additional land, the principal money, * * in like manner as if the purchaser had been tenant of such additional land at the time of the purchase and was about to purchase the same under the said Acts, and the provisions of the said Acts shall apply to the sale of additional land under this Act in like manner as if the purchaser had been the tenant of such land at the time of the purchase.

Land Commission may advance money to tenants to purchase lands to increase the size of their holdings.

Provided always, that nothing in this Act contained shall authorise the making to any one tenant of a larger advance than that which the Land Commission is authorised to sanction to any one purchaser of land under the Purchase of Land (Ireland) Act, 1885, and the Acts amending the same.

Section 2.

2. Where the vendor is a tenant for life, or a person having the power of a tenant for life within the meaning of those expressions as used in the Settled Land Act, 1882, such vendor shall have all the powers given to the landlord by section six of the Purchase of Land (Ireland) Act, 1885, and all the provisions of such section shall apply to the sale.

Application of 48 & 49 Vict. c. 73. s. 6.

This section shall apply to the trustees of a settlement in the same manner as it applies to a tenant for life.

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Purchase of Land (Ireland) Amendment Act, 1889 (52 & 53 Vict. c. 13).

Additional land not to exceed 10 acres or 10*l.* a year Government value.

Section 3.

3. No advance shall be made by the Land Commission to any one purchaser for the purpose of purchasing over ten acres of land under this Act, unless in cases where the land purchased under this Act is valued under the Acts for the valuation of rateable land in Ireland at an annual sum not exceeding ten pounds. 5

THIRD SCHEDULE.

Enactments relating to Jurisdiction, Powers, and Duties of Board of Works.

10 & 11 Vict. c. 32. The Landed Property Improvement (Ireland) Act, 1847. 10

12 & 13 Vict. c. 59. An Act to amend an Act of the tenth year of Her Majesty for facilitating the improvement of landed property in Ireland.

13 & 14 Vict. c. 31. An Act to authorise further advances of money for drainage and the improvement of landed property in the United Kingdom, and to amend the Acts relating to such advances. 15

15 & 16 Vict. c. 34. An Act to extend the Act to facilitate the improvement of landed property in Ireland, and the Acts amending the same, to the erection of scutch mills for flax in Ireland.

23 & 24 Vict. c. 19. An Act to extend the Act to facilitate the improvement of landed property in Ireland, and the Acts amending the same, to the erection of dwellings for the labouring classes in Ireland. 20

24 & 25 Vict. c. 71. An Act to provide for the performance of duties heretofore performed by the Paymaster of Civil Services in Ireland in relation to advances and repayments of public money for public works.

25 & 26 Vict. c. 29. An Act to amend and enlarge the Acts for the improvement of landed property in Ireland. 25

27 & 28 Vict. c. 114. The Improvement of Land Act, 1864.

29 & 30 Vict. c. 40. An Act to authorise a further advance of money for the purposes of the improvement of landed property in Ireland.

40 & 41 Vict. c. 27. The Public Works Loans (Ireland) Act, 1877, sections eleven to fourteen. 30

40 & 41 Vict. c. 56. The County Officers and Courts (Ireland) Act, 1877, section forty-one.

44 & 45 Vict. c. 49. The Land Law (Ireland) Act, 1881, sections nineteen and thirty-one.

46 & 47 Vict. c. 43. The Tramways and Public Companies (Ireland) Act, 1883, sections twenty and twenty-one.

48 & 49 Vict. c. 73. The Purchase of Land (Ireland) Act, 1885, section four. 35

51 & 52 Vict. c. 39. The Public Works Loans Act, 1888, section seven.

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FOURTH SCHEDULE.

A.D. 1890.

ENACTMENTS REPEALED.

PART I.

Enactments to be Repealed on Commencement of Act.

Chapter and Session.	Title of Act.	Extent of Repeal.
44 & 45 Vict. cap. 49.	The Land Law (Ireland) Act, 1881	Sections forty-six, fifty, fifty-three, and fifty-four.
48 & 49 Vict. cap. 73.	The Purchase of Land (Ireland) Act, 1885.	Sections nineteen and twenty-one.
50 & 51 Vict. cap. 33.	The Land Law (Ireland) Act, 1887	Sections twenty-eight and thirty-three.

PART II.

Enactments to be Repealed on Abolition of Offices of Commissioner of Valuation and General Boundary Surveyor.

Chapter and Session.	Title of Act.	Extent of Repeal.
17 Vict. cap. 17. -	An Act to make further provision for defining the boundaries of counties, baronies, half baronies, parishes, town lands, and other divisions and denominations of land in Ireland for public purposes.	Section one.
23 Vict. cap. 4. -	The Annual Revision of Rateable Property (Ireland) Amendment Act, 1860.	Section four.

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Purchase of Land and Congested Districts (Ireland).

A

B I L L

To provide further facilities for the Purchase of Land in Ireland; for the Improvement of the Condition of the Poorer and more Congested Districts; and for the constitution of a Land Department.

(Prepared and brought in by Mr. Arthur Balfour, Mr. Chancellor of the Exchequer, and Mr. Attorney General for Ireland.)

Ordered, by The House of Commons, *to be Printed,* 24 *March* 1890.

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